10145
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 13, 2005

8:30 A.M.

(PAGES 10145 THROUGH 10188)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 10145

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney 1112 Santa Barbara Street
Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700 Los Angeles, California 90067
-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
LEGRAND, David G. (Contd.)	10150-A			

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 263 MJJ Productions office records 10184 10185
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 10148

Santa Maria, California
Friday, May 13, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: (To the jury) How was it?
A JUROR: What?
THE COURT: The breakfast.
THE JURY: (In unison) We didn't have a
breakfast.
JUROR NO. 7: It's lunch.
THE COURT: Oh, you're getting lunch? That's
what they promised.
JUROR NO. 4: My cereal was okay.
THE COURT: I had information that you were
going to get breakfast. So you're getting lunch.
A JUROR: We got presents. We got cups.
THE COURT: All right. Let me just say
don't eat too much at lunch.
Okay. Counsel, are you ready to proceed?
MR. AUCHINCLOSS: I am, Your Honor. But,
I'm sorry, with the Court's permission, I'd like to
have a brief sidebar to discuss a matter that I
don't want to go into without your permission.
THE COURT: All right.
(Discussion held off the record at sidebar.) 10149

THE COURT: All right.
MR. AUCHINCLOSS: Thank you, Your Honor.

DAVID G. LEGRAND
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. LeGrand.
A. Good morning.
Q. Yesterday we talked about the LLC Fire Mountain, and you indicated that that LLC, that limited liability corporation, was formed to act as the corporation under which the proceeds from the FOX special, “The Footage You Were Never Meant To See” or what we’ve been calling the “Take 2” video, to basically funnel those assets or those -- the cash that was produced from that program and then disburse to various parties. Is that correct?
A. Yes.
Q. Okay. And I asked you -- I’m not sure if we ever got the answer, but I asked you, and I’m asking you now, was that corporation formed to conceal assets from Mr. Jackson’s creditors?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled. 10150

You may answer.
Q. BY MR. AUCHINCLOSS: In any way.
A. There were multiple concerns with regard to the “Take 2” video at the inception of the process. There was a letter from Granada basically demanding that no footage of Martin Bashir be utilized without Granada’s permission, so we had significant concerns about potential liabilities associated with Fire Mountain.
There were also concerns, not so much about trade creditors in general, but, rather, that the mounting financial demands of the lawyers, the accountants, the production people be met, and we had not yet -- there was -- we had not yet accomplished a complete transition of money management affairs and open --
MR. AUCHINCLOSS: I’m going to object at this time as nonresponsive.
THE WITNESS: Okay.
THE COURT: The objection is overruled.
I’ll allow him to complete his answer.
MR. AUCHINCLOSS: All right.
THE WITNESS: I opened a dialogue with Bank of America and discussed with the bank representatives the relationship of Fire Mountain with FOX, and to my knowledge, there was never a demand of default made by Bank of America with respect to any of their credit protection 10151

provisions.
Q. BY MR. AUCHINCLOSS: My question was, was that Fire Mountain, Limited Liability Corporation, formed in any way to conceal assets from Mr. Jackson's creditors? And my question goes beyond the Bank of America.
MR. MESEREAU: Same objection.
Q. BY MR. AUCHINCLOSS: And do you understand the question?
A. Yeah. It was not my intent to conceal. It was my intent to protect the cash flows being received in order to address the financial needs of my client, Mr. Jackson.
Q. All right. Well, you testified that Mr. Jackson had creditors with outstanding bills in excess of ten million dollars, true? Yes?
A. Yes.
Q. And some of those creditors had initiated lawsuits; isn't that true?
A. I don't know that creditors had initiated lawsuits. The two primary lawsuits that were pending that I had knowledge of early on were the Avram case and the Myung Ho Lee case.
Q. All right.
A. I don't know that those gentlemen were creditors at that time, because I don't remember seeing them listed in the payables listings. There was a subsequent lawsuit -- I mean, there was a 10152

lawsuit filed somewhere, hmm, I'm not sure if it was late February or early March, filed by an auction house in New York with respect to a painting.
Q. Would that be Sotheby's?
A. Yes. Yes, that was Sotheby's.
Q. And that dealt with a painting Mr. Jackson purchased but never paid for; is that correct?
A. Yes.
MR. MESEREAU: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: All right. But in effect, the Fire Mountain corporation would prevent any of these creditors from getting their hands on the money, the proceedings from the FOX production; true? I'd like a "yes" or "no" question -- answer to that question.
A. I don't know --
Q. If you know.
A. I don't know how it would prevent creditors from getting to it. I mean, if a creditor took a judgment debtor exam of someone and found that this subsidiary of MJJ had these funds, the question is creditor of whom, I guess? I mean, the goal of Fire Mountain was to serve as a subsidiary to MJJ Productions.
Q. Who is Marcel Avram? You just mentioned that. Who is that?
MR. MESEREAU: Objection; relevance. 10153

THE COURT: Overruled.
You may answer.
THE WITNESS: What I've read is that he was
a promoter who had entered into some agreements
with -- and I'm not sure who with, but with Mr.
Jackson or entities affiliated with Mr. Jackson.
I'm not even sure who the parties were in that
litigation.
Q. BY MR. AUCHINCLOSS: And that was a
multimillion-dollar lawsuit?
A. Yes.
Q. And that was here in Santa Maria?
A. I don't know where it was.
MR. MESEREAU: Objection; relevance.
MR. AUCHINCLOSS: My question -- I'm sorry.
THE COURT: Next question. Overruled.
Q. BY MR. AUCHINCLOSS: And that lawsuit was
going on during February of 2003?
A. I think so, yes.
Q. And --
A. Yes.
Q. If that lawsuit went bad, wasn't it your
opinion that bankruptcy was assured for Mr. Jackson?
MR. MESEREAU: Objection. Foundation;
misstates the evidence.
THE COURT: Foundation sustained.
Q. BY MR. AUCHINCLOSS: Did you ever send an
e-mail to the effect that bankruptcy was assured if 10154

the Marcel Avram lawsuit went bad for Mr. Jackson?
MR. MESEREAU: Objection. Foundation;
leading; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't recall such a specific
e-mail. It's possible. But I don't recall.
MR. AUCHINCLOSS: If I could have a moment,
Your Honor.
THE COURT: You may.
Q. BY MR. AUCHINCLOSS: Let me just ask a
follow-up question. Was that your opinion?
MR. MESEREAU: Objection. Relevance;
foundation.
THE COURT: Sustained.
MR. AUCHINCLOSS: I'll come back to that.
Q. Mr. LeGrand, did you talk to anybody after
you left the stand here today (sic) about your
testimony in this case?
A. I did not speak about my testimony in this
case. I did speak to several people last night.
Q. Who did you talk to?
A. Talked to my wife.
Q. Did you talk to anybody that was involved in
this case in any fashion?
A. I don't know whether "involved" or not. I
did call Al Malnik.
Q. Why did you call Mr. Malnik? 10155

A. He's -- his wife is expecting a child. It's been any day for the last couple of weeks. And I called to inquire as to his wife's health and the prospect of delivery.
Q. Do you work for Mr. Malnik?
A. No.
Q. Have you been employed with Mr. -- by Mr. Malnik in the past?
A. No.
Q. Mr. Malnik has never paid you for any services --
A. No.
Q. -- is that your testimony?
A. That's my testimony.
Q. Have you ever taken any directives from Mr. Malnik concerning legal matters regarding Mr. Jackson?
A. Yes.
Q. Why did you take directives from Mr. Malnik concerning Mr. Jackson's affairs?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I was instructed by Mr. Jackson to do so.
Q. BY MR. AUCHINCLOSS: And did Mr. Malnik work for Mr. Jackson, as far as you knew?
A. As far as I knew. 10156

Q. What was his relationship with Mr. Jackson?
A. I believe he was a friend and I believe he was an attorney.
Q. Do you know if Mr. Malnik was retained by Mr. Jackson as an attorney?
A. I did not see an engagement letter. I was instructed by Mr. Jackson to submit all documents that were to be signed by Mr. Jackson, they were to be reviewed by Mr. Malnik before presentation to Mr. Jackson. That instruction was given to Ronald Konitzer and Dieter Weizner as well.
Q. Have you attended meetings with Mr. Malnik and Mr. Jackson?
A. Yes.
Q. On how many occasions?
A. Once for sure. There may have been a second meeting during that same weekend, but I'm not sure. But I know of one in particular. It was mid to late March. Mr. Fishman and I flew to Florida. I think that's when. I'm not sure of the dates, though.
Q. And did Mr. Konitzer attend that meeting?
A. There were several meetings and Mr. -- there were several meetings with myself and Mr. Malnik and Mr. Konitzer attended one of those meetings.
Q. Was Mr. Jackson present?
A. I think so.
Q. Was Mr. Weizner present?
A. You know, I think Dieter was there, but I'm 10157

honestly not sure today.
Q. Do you know what time in March that was?
A. Well, it was before the 28th. I think it was a week to ten days before the 28th of March, but I'm not sure exactly.
Q. Was it before your services were terminated as Mr. Jackson's attorney?
A. Yes. That's why I know it's before the 28th.
Q. And the purpose of that meeting was what?
A. To discuss the overall positions, to discuss the -- to discuss how or whether we would continue the various relationships, because Ronald was upset with me for having pointed the finger at him with respect to the $965,000.
We were attempting in that meeting to construct a framework under which we would -- you know, Ronald and Dieter would remain involved in -- as, you know, consultants, advisors to Mr. Jackson.
But Mr. Malnik essentially emerged, in my opinion, as the primary person with Michael Jackson's trust and confidence for business decisions.
Q. Mr. Malnik was one of the people you had investigated?
A. Yes, he is.
Q. So you were suspicious of him, too?
A. Yes.
Q. And you voiced those suspicions to Mr. 10158

Jackson, didn't you?
A. Yes.
Q. You voiced those suspicions to Mr. Jackson about Mr. Konitzer?
A. Yes.
Q. And Mr. Weizner?
A. Yes.
Q. And you were suspicious about Mr. Jackson's personal assistant, Evvy?
A. Yes. Primarily because Mr. Konitzer --
Q. There's no question pending.
A. Oh. Sorry.
Q. And you were suspicious about Mr. Geragos?
A. Yes, I was.
Q. And you were suspicious about Mr. Jackson's attorney, Mr. Cochran's associate, Zia Modabber?
A. Less so, but yes.
Q. Well, you had him investigated?
A. Less so, but yes.
Q. And you were suspicious about Mr. Gross, who worked for Fred Haber, the foreign rights people, Edgar Gross? Maybe I'm misstating that. Did you have Edgar Gross investigated?
A. I don't remember that name. Was it -- do you mean -- I'm sorry, I don't recall.
Q. You were suspicious about a Dr. Armen Kazanchian?
A. Yes, I was. 10159

Q. You were suspicious about Mr. Jackson's long-standing business manager, Trudi Green?
A. Yes.
Q. These people had really very little connection with one another, did they? I mean, you tell me. Did they have connection with one another?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: In effect, you had investigated everybody who was within Michael Jackson's inner circle; isn't that true?
A. I don't know, because I don't know your definition of "inner circle." I investigated people that I viewed as being close to Michael or having the potential to do harm to Michael as I saw it at the time.
Q. And you were suspicious of them all, correct?
A. Um, I was -- I was cautious. I was becoming more cautious as time went on.
Q. Well, didn't you testify that you had everybody investigated that you found suspicious?
A. I'm not sure those were my exact words, sir.
Q. Well, was that true or not?
A. No. I did not have everybody investigated whom I found suspicious. There were certainly people who I had concerns about, but who did not have a position such that I was overly -- 10160

sufficiently concerned to spend money.
Q. But you had concerns about all these people.
Will you go that far?
A. Concerns about a lot of people.
Q. Okay. And as far as this $900,000, you
don't know what that money was for, do you?
A. No.
Q. You don't know if that money was owed to
Dieter and Ronald, do you?
A. No, I don't. I never saw -- I never saw
evidence it was.
Q. Right. But you never saw any evidence
whatsoever about what that $900,000 was for, did
you?
A. No, I never saw evidence of it.
Q. You don't know if Mr. Jackson knew about
that at the time or didn't know about it at the
time, do you, at the time it was disbursed?
A. No, I didn't.
Q. So you just pointed the finger with
virtually no evidence against these people because
of your suspicions; isn't that fair to say?
A. I discussed the matter with Mr. Malnik, and
at his direction prepared the letter. He reviewed
the letter. So this was not my independent action.
Q. Well, if this was an embezzlement, wouldn't
it be an incredibly lame attempt to embezzle money
from a trust account of an attorney with a paper 10161

trail one inch long leading directly to the embezzlers?
MR. MESEREAU: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Would you agree with me that it would be a very poor plan to embezzle money?
MR. MESEREAU: Objection.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Would you agree with me that there was never any attempt to conceal that that money went from the trust account to Mr. Weizner and Mr. Konitzer?
MR. MESEREAU: Objection. Misstates the evidence and foundation.
THE COURT: Overruled.
You may answer. Do you want that question read back?
THE WITNESS: I believe that --
MR. AUCHINCLOSS: I'm going to --
MR. MESEREAU: Objection. He's cutting off the witness, Your Honor.
THE COURT: Sustained. Let the witness answer the question.
MR. AUCHINCLOSS: All right.
THE WITNESS: I believe that Mr. Konitzer was unhappy that Mr. Finkelstein gave me that accounting.
Q. BY MR. AUCHINCLOSS: Would you agree that 10162

there was never any attempt to conceal that those moneys went from that trust account to Mr. Weizner and Mr. Konitzer; yes or no?
MR. MESEREAU: Objection. Foundation and misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I do not know -- I do not have actual knowledge of an attempt to conceal those disbursements.
Q. BY MR. AUCHINCLOSS: Michael Jackson Universe, MJ Universe, that was the plan that Ronald and Dieter were working on with Mr. Jackson to remake his image and career, correct?
A. I'm -- I'm not sure I agree with the characterization, "remake his image and career." It was the business plan that Ronald and Dieter had put forth.
Q. It was a promotional plan for Michael Jackson, correct?
A. It involved elements of using Michael Jackson's trademarks, image and likeness to gain revenue.
Q. Wouldn't that be a promotional plan?
A. I'm not trying to be difficult. I just don't know what you mean by "a promotional plan." I mean, that's all.
Q. What I mean by "promotional plan" is a plan 10163

1 that promotes Mr. Jackson. Was it designed to
2 promote Mr. Jackson's image and likeness, his name,
3 to sell products to make profit?
4 A. I certainly agree it was part of the plan to
5 use his image and likeness to sell products and make
6 profit.
7 Q. Was it also the idea of this plan, this new
8 enterprise, MJ Universe, to save Mr. Jackson from
9 impending financial ruin? Yes or no.
10 A. When the plan was first -- the first
11 development of the plan, none of us had knowledge of
12 Mr. Jackson's financial affairs. So the plan was
13 developed in a context where we, that is, Mr.
14 Konitzer, and he expressed to me his belief that Mr.
15 Jackson had significant financial resources to call
16 upon. So the original plan was not about financial
17 ruin. It was developed before any of us knew of the
18 financial circumstances that ultimately were
19 disclosed to me in February of 2003.
20 Q. Is it true that the plan was designed to
21 make everyone, including Michael Jackson and
22 yourself, a lot of money?
23 A. The intent of the plan was to make money,
24 yes.
25 Q. One of the mechanisms for this plan was to
26 use the Internet as a platform; is that true?
27 A. Yes. There was a portion of the plan
28 devoted to Internet. 10164

Q. You testified yesterday that it seemed like everybody around Michael Jackson was interested in profiting; is that accurate? That was your opinion?
A. Many people, yes.
Q. Did you see something wrong with that, with people profiting who worked for Michael Jackson?
A. I see nothing wrong with people earning appropriate income from providing services.
Q. And Michael Jackson Universe --
MR. MESEREAU: Objection. I don't think the witness has completed his response, Your Honor.
THE WITNESS: I got concerned about where it appeared people wanted to have excessive amounts of money in relation to their contribution.
Q. BY MR. AUCHINCLOSS: Okay. And this is where some of your suspicions took off?
A. That's where they were derived, yes.
Q. But as it turned out, you really didn't know where those funds were going, you've testified, correct?
MR. MESEREAU: Objection. Foundation and misstates the evidence.
THE COURT: Vague; sustained.
Q. BY MR. AUCHINCLOSS: As far as this plan, the idea or hope was to make hundreds of millions of dollars, true?
A. That was the hope.
Q. And that was a hope that Mr. Jackson had, or 10165

shared with Mr. Konitzer, true?
A. Yes.
MR. MESEREAU: Objection; foundation.
THE WITNESS: Whoops.
THE COURT: Overruled. The answer was,
"Yes."
THE WITNESS: Yes.
THE COURT: Next question.
Q. BY MR. AUCHINCLOSS: And Mr. Konitzer, from your point of view, had a genuine interest in the success of Michael Jackson, both for his own benefit and for the benefit of Mr. Jackson; isn't that fair to say?
A. Yes. That's -- I mean, that's true. Mr. Konitzer, I believe, was quite sincere in many respects and there was no question that he saw the opportunity for significant financial gain and that that gain would -- the largest gain would come if Mr. Jackson also realized a significant financial benefit.
Q. If this plan took off, Mr. Konitzer had a very legitimate hope of earning millions and millions of dollars, true?
A. Yes. But I'll also tell you that both Mr. Malnik and I were very skeptical about Mr. Konitzer's plan.
Q. I understand that, but that's not a question I asked you. 10166

But that was the hope. That was the idea between you, Mr. Jackson, Mr. Konitzer, that was the reason for Michael Jackson Universe, correct?
A. The reason was to create profit, yes.
Q. So would you agree it doesn't make much sense for Mr. Konitzer to attempt to steal a few hundred thousand dollars at the very beginning of his relationship with Mr. Jackson?
MR. MESEREAU: Objection. Argumentative; foundation.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right.
Q. Your investigation of these various people was designed to clean house again, wasn't it? Do you understand that question? Maybe I should start over again.
You're aware that Mr. Jackson had just cleaned house, he just fired all the people he had been working with for years, including some he hadn't worked with for very long?
MR. MESEREAU: Objection. Foundation and misstates the evidence.
MR. AUCHINCLOSS: I'll simplify the question.
THE COURT: Okay.
Q. BY MR. AUCHINCLOSS: You're aware Mr. Jackson had just cleaned house by firing a number of his associates and close employees, correct, you've 10167

testified to that?
A. No, I don't think I did. What employees were terminated?
Q. Well, people that worked for Mr. Jackson. I don't mean to quibble about semantics.
Mr. Branca was fired, correct?
A. I'm not aware he was ever an employee of Mr. Jackson. I believe he's an attorney who was providing services to Mr. Jackson. Yes, his services were terminated during this process.
Q. Are you saying that Mr. Branca was never employed by Mr. Jackson in any fashion?
A. No, I'm saying he was not a W-2 statutory employee, which is the sense in which I'm used to using the term. I don't mean to be difficult, but, you know, this is -- my background is corporate law, and "employee" means something very specific to me.
Q. Okay. When I'm asking questions, just so you know, I'll be asking them in the common lay term, not in any technical sense. When I say "employee," I mean he worked for him, he was paid by him.
MR. MESEREAU: Objection. Argumentative and vague. Object to the colloquy.
THE COURT: Counsel, I don't think you can ask this person to accept your definitions. You need to know how he defines various corporate terms.
MR. AUCHINCLOSS: And I appreciate that. 10168

I'm just trying to clarify it.
THE COURT: And that be helpful to the jury,
I'm sure, if they knew that too. But you -- just as
an instruction from me --
MR. AUCHINCLOSS: Sure.
THE COURT: -- you need to find out how he
defines them, not tell him how to define them.
MR. AUCHINCLOSS: Okay.
Q. All right. So you would agree with me that
Mr. Branca worked for Mr. Jackson, was paid for by
Mr. Jackson, correct? He received money from Mr.
Jackson for services, true?
A. I believe the Ziffren law firm received
compensation from Mr. Jackson for legal services,
yes.
Q. Do you think Mr. Branca ever received any of
those moneys for work that he performed?
A. I believe Mr. Branca was paid by his firm,
yes.
Q. All right. And Mr. Jackson (sic) was one of
the people he fired when he was cleaning house,
true?
A. Yes.
Q. As was Trudi Green?
A. Yes.
Q. Okay. So we went through the list. I don't
need to go through it again.
But wasn't it your desire, in preparing this 10169

investigative report or ordering this investigative report on Mr. Jackson's inner circle, to become a trusted associate of Mr. Jackson to the exclusion of the people that you were having investigated?
A. I don't believe that was my intent. It was my intent to gain knowledge about the people who were involved. For example, with respect to Mr. Malnik, I had no intent to eliminate him from Mr. Jackson's circle.
I had much greater concerns about Mr. Konitzer and Mr. Weizner than, say, for example, Mr. Malnik. But at the same time, I felt it appropriate, granted the history, to have greater knowledge about these people. You know, there's an aphorism, knowledge is power. And I felt it appropriate, and my colleagues, Mr. Joss, my partner, Mr. Gibson, concurred in those iterations.
MR. AUCHINCLOSS: Objection; nonresponsive.
MR. MESEREAU: Objection. He cut off the witness.
THE COURT: Sustained. I'll allow him to complete the answer.
Do you want part of your answer read back, so you know where you were, or --
THE WITNESS: Well, I'd just like to say that I and my partner called for those investigations. It was not simply my intent that was ruling. I was consistently, daily communicating 10170

with a number of lawyers who, as a group, were providing services to Mr. Jackson. And the decision to have those investigations done was not my unilateral decision.

Q. BY MR. AUCHINCLOSS: You said, “knowledge is power.” Wasn’t this an effort to obtain more power?

A. Absolutely, for Mr. Jackson to be empowered.

Q. Okay. Let’s -- let me ask you a couple of questions, a couple of background questions. I don’t think I finished inquiring about people you may have talked to last night.

Did you talk to Mr. Mesereau at all between the time that you took the stand today and the time that you left the stand yesterday?

A. I’m not sure if -- he might have come in the room and left, you know, 30 seconds. I’m -- I’m sorry, I was upstairs in the room for a little bit. I don’t remember. I don’t have -- I didn’t have any substantive conversations if I did see him at that time.

Q. Have you met Mr. Mesereau before?

A. Yes.

Q. On how many occasions?

A. Three, I think. Maybe four.

Q. Did you talk to him about your testimony in this case?

A. We did not discuss my testimony in this case. 10171

Q. Did you talk to him about the facts of this case?
A. I met with Mr. Mesereau, Mr. Cochran, a number of lawyers when I was delivering files and reviewed with them some of the contents of the boxes of files.
Q. When did you deliver those files?
A. I'm sorry, I don't know.
Q. Can you tell me --
A. It was 2004.
Q. Okay. 2004. Can you tell me if it was in the beginning or towards the end of 2004?
A. It was by -- I know it was by mid-September, by Labor Day weekend, that I had delivered the bulk of the files. There's been some bits and pieces that have just -- you know, either were delivered to me or were found, you know, in another file, because I had people in Reno working that were delivered later. But I'm pretty sure 90 percent of it was delivered by Labor Day of 2004.
Q. Did you go through these files with Mr. Mesereau and Mr. Cochran in any fashion?
A. Yes.
Q. Was an investigator present?
A. I think so.
Q. Do you know Scott Ross?
A. Yes.
Q. Was he present? 10172

A. I don’t think so. But I’m really not sure. There was an investigator, but I thought it was somebody different. I don’t know that I met Scott before arriving here.
Q. Mr. Mason, perhaps?
A. Mason. That name’s familiar. I honestly didn’t pay a lot of attention to the investigator.
Q. Okay. But there was an investigator there?
A. Yeah.
Q. And have you talked to any investigators between the time you left the stand and the time you took the stand this morning?
A. Yeah. Scott Ross took me back to my hotel last night, and then took me to drop me off at the mall so I could go get something to eat.
Q. And did you talk to Mr. Ross about anything to do with this case?
A. We really didn’t discuss the case. We were quite conscious that we -- or I was conscious that I didn’t feel that was really appropriate.
Q. Okay. So that’s a “no,” you did not talk to Scott Ross about anything about this case?
A. We didn’t talk about this case.
Q. All right. How about Mr. Castillo, did you talk to him about this case at all?
A. Who?
Q. Jesus Castillo?
A. I don’t know who that is. 10173

Q. Well, all right. Now, you mentioned
yesterday that you were aware of the “Home Movies”
production, the “Michael Jackson Home Movies”
production. True?
A. Is that the program that involved Chris
Tucker that was produced with FOX?
Q. I can’t answer questions.
A. I’m sorry, I’m not sure what --
Q. Weren’t there -- I’m sorry, go ahead.
A. I’m not sure what you mean by “Home Videos”
productions.
Q. Well, weren’t there documents in your files
regarding the “Home Movies” production involving
Michael Jackson?
A. I think so, yes. We had started -- we had
started a negotiation with FOX for some additional
production.
Q. And that production was also going to be run
through Fire Mountain; that was the plan, correct?
A. Yes, I think so.
Q. And was Mr. Schaffel going to work on that
one as well; do you know?
A. It was my goal to minimize the involvement
of Mr. Schaffel as much as possible. And I do not
know what I was -- I was terminated before that
really got rolling. That’s my recollection.
Q. Was your concern about Mr. Schaffel related
to his connections in the adult sex videos industry? 10174

A. That was certainly part of the concern, yes.
Q. Did you ever express a concern to Mr. Jackson about Mr. Schaffel being associated with the rebuttal video or the “Take 2” video because of his background?
A. I’m not sure that I had a direct conversation with Mr. Jackson about that or not. I don’t know.
Q. And he was also one of the people that you had investigated, true?
A. Yes.
Q. Now, as far as money goes, profiting involving Mr. Jackson, isn’t it fair to say that that was one of your goals here too, to make money by being associated with Mr. Jackson?
A. My goal was to get paid for providing legal services.
Q. Weren’t you very excited about becoming Michael Jackson’s attorney?
A. It was exciting.
Q. You perceived it to be a means to make a great deal of money, didn’t you, Mr. LeGrand?
A. Actually, I really didn’t know what it was going to involve.
Q. But you had hopes that it would result in something very good for David LeGrand, true?
A. I saw it as an opportunity to work in a unique and different environment that was 10175

interesting, that had great potential. It was -- it was exciting.
Q. Potential for wealth, true?
A. I don't know about wealth. But certainly gain.
Q. You won't admit that it's -- that there was financial gain, that was one of your motives in becoming Michael Jackson's attorney? You disagree with that?
A. All I wanted was to be paid for my hourly work.
Q. And you wanted to do a lot of hourly work for Michael Jackson, didn't you?
A. As it turned out, I didn't have much choice. At least for a while.
Q. Would you answer my last question?
A. The hours ended up being considerable.
Q. And you wanted to do a lot of hourly business with Michael Jackson, true? Can you answer that "yes" or "no" for me, sir?
A. It's very hard to answer "yes" or "no," because it really wasn't formulated in my mind that way.
Q. Mr. LeGrand, didn't you communicate to Mr. Konitzer that you were worried about getting paid for your services and being first in line for money?
A. I was concerned about that, yes.
Q. And as early as February 11th, you had 10176

expressed that concern to Mr. Konitzer that you wanted to be paid?
A. Yes. And when we say "I," my firm.
Q. Your firm.
A. Yes.
Q. That's fair. And Mr. Konitzer asked you to calm down about that, didn't he?
A. Yes, he did.
Q. And he said, "Don't worry, you'll be first in line," true?
A. Yes, he did.
Q. And he did that through e-mail, correct?
A. He also said it to me.
Q. And you did a considerable amount of communication with Mr. Konitzer through e-mail, e-mails, true?
A. Yes.
Q. And if your file is complete, then all of those e-mails should be in it, shouldn't they?
A. If you mean that a file comprising the totality of my work involving Mr. Jackson would include the e-mails to Ronald Konitzer, the answer is yes.
Q. And my last question was, if your file that you turned over did not include e-mails such as that, it would not be complete, true?
A. I -- I think that follows logically.
Q. All right. Did you remove any e-mails from 10177

your file prior to turning it over to Mr. Mesereau and Mr. Cochran?
A. I don't remember removing any e-mails. I don't remember removing any documents from the files.
Q. You can conceive of it, though?
A. No, I really didn't even personally prepare the files. Staff did. I -- I really wasn't directly involved in the file production process.
Q. Is (702) 222-2520 the direct line to your office at Hale Lane?
A. Yes, it was.
Q. Did you have a cell phone at that time?
A. Yes.
Q. And what was that number?
A. (702) 218-6736.
Q. At some point in time, Mr. Geragos came into the picture. Do you remember when that was?
A. First week of February 2003.
Q. Is that when you first met Mark Geragos?
A. Yes.
Q. And Mr. Geragos is a criminal attorney?
A. Yes.
Q. And who introduced you to Mr. Geragos?
A. I believe it was Ronald Konitzer who selected Mr. Geragos to be interviewed.
Q. Was there an interviewing process going on to find a criminal attorney at that time? 10178

A. Yes.
Q. And can you explain why -- well, let me back up.
Was it perceived that some criminal conduct might be alleged against Michael Jackson at that time, and therefore a criminal attorney should be retained?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
THE WITNESS: I'm sorry, what was the question?
MR. AUCHINCLOSS: I'll ask to have it read back.
THE COURT: I'll have the court reporter read it.
(Record read.)
THE WITNESS: The press outcry was such that -- and the calls for investigation, calls for removal of his children were such that I and the other lawyers agreed it was appropriate to have a criminal attorney in California to address any possibilities of that kind.
Q. BY MR. AUCHINCLOSS: Okay. So the answer to that question would be "yes"?
A. I think I've answered it.
Q. My question is, so the answer to that question would be "yes"? 10179

A. Yes, we were concerned about possible criminal investigation resulting from the video, the Bashir video. There were people, you know, calling for investigation.
Q. Who -- well, let me phrase that differently. Who was in charge in terms of the legal advice provided to Mr. Jackson at that time? We're talking about the beginning of February. You? Mr. Geragos? Who was running the show there?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
MR. AUCHINCLOSS: Okay.
Q. What exactly was Mr. Geragos -- do you know what Mr. Geragos was tasked with at the time he was retained, what he was asked to do?
A. I know that we asked him to attempt to ascertain if any criminal investigation had been commenced, and if there was any child custody removal efforts being commenced.
Q. That would be a family law matter, wouldn't it?
A. I guess it's more family than criminal, yes.
Q. Do you know who Brad Miller is?
A. I believe he's an investigator that works or worked -- was engaged by Mr. Geragos's firm.
Q. Did you ever meet Brad Miller?
A. You know, I don't know. I might have.
Q. Where might you have met Brad Miller? 10180

A. Mr. Geragos's office.
Q. Did you meet with Mr. Geragos in his office?
A. Yes.
Q. More than once?
A. I think so, yes.
Q. How many times did you meet with Mr. Geragos, either in his office or elsewhere?
A. Maybe four or five times.
Q. Four or five times?
A. I think so.
Q. Did you ever communicate with Mr. Geragos by e-mail?
A. Yes.
Q. Do you know where those e-mails are?
A. Not specifically, no.
Q. Did you give those e-mails to Mr. Mesereau and Mr. Cochran?
A. I think so.
Q. Did you ever talk to Brad Miller on the phone?
A. I don't know. It's possible.
Q. Do you know what Brad Miller was retained by Mr. Geragos to do?
A. Not really. I know that it had to do with the Arvizos, but I really don't know in detail what Brad Miller was asked to do.
Q. Do you know who Asaf Vilchic is?
A. Who? 10181

Q. Asaf Vilchic?
A. I don't think I've heard that name before.
Q. I'm going to have trouble with this next one. Can you tell me if you've heard of the name Johnny Majetich, something of that nature?
A. That name does not ring any bells, sir.
Q. Have you ever heard of a private investigator referred to as "Johnny in the Sky"?
A. No, sir. I don't think so. It's the sort of thing one might remember, but I don't have a recollection of that one.
Q. Okay. Now, I want to come back to this rebuttal film or the "Take 2" video. You participated in getting or I should say preparing releases for the entire Arvizo family, correct?
A. Yes.
Q. And who asked you to do that? Maybe I'm making an assumption there. Did you do that on your own or did somebody else ask you to do it?
A. I don't really know. I know it needed to be done, but I'm not sure whether it was, you know, Lachman Productions, Marc Schaffel, or who it was. The consents and releases started with Debbie Rowe, and then we just started thinking, "Oh, well, we need releases for everybody that might be in this video." I prepared a release for Hamid as well.
Q. All right. The one for Hamid, was that 10182

under a Brad Lachman letterhead; do you know?
A. I don't know.
Q. Okay. But you knew that the plan was to have the Arvizo family filmed for the "Take 2" video, correct?
A. I knew there was a desire to have some footage of the Arvizo family for possible inclusion in the "Take 2" video, yes.
Q. And that was the reason why these consent forms were prepared?
A. Yes.
Q. And you sent those consent forms to Ann Gabriel, true?
A. I don't know. I might have.
Q. Did you send a consent form to Ann Gabriel and ask her to put "Gabriel Media" on the top of it?
A. I don't -- I don't remember. It's possible, but I don't remember that.
Q. If it's possible, can you tell me why that would have happened?
MR. MESEREAU: Objection; unintelligible.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Well, you admit it's possible.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Yes? 10183

A. I really can't say. I don't know.
Q. Okay. Can you tell me if you can envision a reason why you would send a consent form to Ann Gabriel and ask her to put "Gabriel Media" on the top of it?
A. I really don't know today. We were moving quick on a lot of things, and it, you know, if it happened, may have seemed like a good idea at the time, but I really don't know why in retrospect. It could have been that I was trying to give Ann, you know, a bit of a role. It --
Q. Did you send consent forms to Neverland Valley Ranch by way of fax for the Arvizo family?
A. I think so, yes.
MR. AUCHINCLOSS: If I may approach, Your Honor.
Q. Mr. LeGrand, I show you People's Exhibit No. 263. It appears to be one, two, three -- five, six, seven, eight -- nine separate pages. Would you look at that for me, please, and identify it if you can.
A. This appears to be a fax from Hale Lane to Joe Marcus at Neverland Valley Ranch containing appearance consents and releases for various members of the Arvizo family.
Q. Did you prepare those consent and release forms?
A. I think my associate, Ann-Marie Levy, did.
Q. At your direction? 10184

A. Yes.
Q. Is that the consent and release form that you wrote or prepared?
A. Well, I directed the preparation. It appears -- the language looks familiar.
MR. AUCHINCLOSS: Your Honor, at this time I'd move into evidence People's Exhibit 263. I'll show it to counsel.
MR. MESEREAU: No objection.
THE COURT: It's admitted.
Q. BY MR. AUCHINCLOSS: Mr. LeGrand, at the top of those consent and release forms is the logo for MJJ Productions, correct?
A. On some of them, yes.
Q. Did you place that logo there? Did you direct, I should say, the placement of that logo at the top of those appearance consent and release forms?
A. I don't believe I did. I have no recollection of so instructing.
Q. And then at the back, a couple of pages, that logo appears to have been removed. Did you direct that appearance consent and release forms for the Arvizos be provided without the MJJ Productions logo?
A. I don't recall instructing that they be presented in one form or the other.
Q. If your file was complete, Mr. LeGrand, then 10185

it should have had that fax and those releases in it, true?
A. If the files of my firm were complete, it should be in there.
Q. And if it wasn't in your file, can you explain that?
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: No, I can't explain it. That portion of the file was kept by Ann-Marie Levy. She was subsequently -- her services at my firm were later terminated.
Q. BY MR. AUCHINCLOSS: Is there any reason why Ann-Marie Levy would go through the files and remove those documents, as far as you know?
A. No.
Q. Did you also send the same consent forms to Hamid Moslehi?
A. I don't know. I'm pretty sure that my firm sent appearance and consent forms to Hamid Moslehi, but I don't know exactly when or if they were absolutely identical. But -- because I'm not sure we knew where the Arvizos were in order to get the documents executed, and since Hamid was supposed to do the videography, it would not surprise me that we sent them to Hamid. 10186

Q. Well, that's a good point. They were different, weren't they? They weren't the same as the ones you sent to Neverland, correct?
A. I don't know.
Q. But you agree that your associate sent those to Hamid at your direction?
A. I don't recall making that instruction today.
Q. Would you agree that your associate would not send those to Hamid on her own without some direction from you?
A. I -- it's certainly possible that she would have. I mean, she can have been instructed by Mr. Konitzer directly to do so. It's possible she would have sent them or that she would have interpreted my instruction to prepare and get the consents out as, you know, a broad mandate.
THE COURT: Let's take a break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10149 through 10187 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 13, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 13, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 13, 2005

8:30 A.M.

(PAGES 10189 THROUGH 10362)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 10189

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney 1112 Santa Barbara Street
Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700 Los Angeles, California 90067
-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
LEGRAND, David G.	10207-M	10232-A		
	10240-M	10241-A (Further)	(Further)	
	10242-M (Further)			
GERAGOS, Mark	10248-M	10288-Z		

E X H I B I T S

FOR IN	PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
	899	Letter from David LeGrand to Barry Siegel	10193	10194

MR. AUCHINCLOSS: Thank you, Your Honor.

Q. I'd like to show you a few documents. We're 10192

in the home stretch here, so I'll be finished in a short period.
If I may approach, Your Honor.
THE COURT: You may.
Q. BY MR. AUCHINCLOSS: All right. First of all, Mr. LeGrand, I show you People's Exhibit No. 899. Can you identify that for me, please?
A. Yes. This is a letter I prepared for Mr. Jackson's signature directed to Barry Siegel.
Q. Okay. And that was a letter turning over the financial reins to you for Mr. Jackson's concerns involving Provident Financial Management; is that correct?
A. I believe the document speaks for itself. It states in one relevant paragraph that, "Mr. LeGrand is engaging a new management company to serve my interests, and you are specifically authorized and instructed to transfer any available funds you are holding on my behalf or for any of my businesses to such management company or Mr. LeGrand's trust account pursuant to Mr. LeGrand and Miss Brandt's instructions."
Q. Okay. Is that Michael Jackson's signature at the bottom of that document?
A. Yes, it is.
MR. AUCHINCLOSS: Move to admit People's Exhibit No. 899 into evidence.
MR. MESEREAU: No objection. 10193

THE COURT: It's admitted.
Q. BY MR. AUCHINCLOSS: All right. Showing you the People's Exhibit -- the 400 series. Didn't mean to scare you.
Okay. Beginning with Exhibit No. 406, it appears to be a Hale Lane fax transmittal sheet on the front page. Can you identify that document for me, please?
A. This appears to be the transmittal between myself and Marisa Fermin of the final agreement for the "Take 2."
Q. And that agreement calls for Fire Mountain to receive three million dollars on behalf of Mr. Jackson; is that correct?
A. Yes.
Q. And did you send that document to Miss Fermin at FOX?
A. Yes.
MR. AUCHINCLOSS: All right. Move to admit People's Exhibit 406 into evidence at this time.
MR. MESEREAU: No objection.
THE COURT: It's admitted.
Q. BY MR. AUCHINCLOSS: Showing you People's Exhibit 412, can you identify that for me, please?
A. This appears to be a transmittal from Hale Lane to Hamid Moslehi containing some appearance consents and a -- yeah. Containing appearance consents and an additional consent for MJJ 10194

Productions for the Michael Jackson special.
Q. Did you send that fax transmittal with accompanying documents to Hamid at (818) 224-4664 on -- I'm sorry -- February 10th, 2003?
A. Based on these documents, yes.
Q. And the first document that appears in that group after the fax sheet is entitled "Gabriel Media, Incorporated. Appearance Consent and Release." Did you send that document to Hamid Moslehi?
A. Yes.
Q. Can you explain to me why the document is entitled "Gabriel Media, Incorporated"?
A. Not today, no. I don't remember. And the second document has that whited out, and it has a --
Q. There's no question pending.
A. Oh. Sorry.
Q. I'm just asking about the first document.
A. No. I don't know why.
Q. But you admit that you did send that to Mr. Moslehi?
A. Yes, I did.
Q. And Gabriel Media had nothing to do with this production, did they?
A. I'm not sure I can say "nothing" to do with this production. At the time, I believe Miss Gabriel was still a consultant on PR-related 10195

matters.
Q. But can you -- go ahead.
A. I really don't remember today why this document had her company's title on it.
Q. There's no reason for that, is there?
A. I -- I don't know of the reason for it. I don't remember. I'm sure there was at the time, but I don't remember it today.
Q. Was the reason "Gabriel Media, Incorporated" appears on that appearance consent and release form intended to distance you and Michael Jackson from these consent and release forms?
MR. MESEREAU: Objection. Argumentative; no foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't remember what the intent was.
MR. AUCHINCLOSS: All right. Let's move on.
THE COURT: I want to ask a question.
The Exhibit 406, previously I admitted a portion and not admitted a portion, and then he offered it a minute ago and there was no objection. But I just wanted to bring your attention to my previous ruling.
MR. SANGER: Can we have just a moment?
THE COURT: Yes.
(Off-the-record discussion held at counsel 10196

1 table.)
2 MR. MESEREAU: Your Honor, I thought they
3 were complete documents, the ones I saw. Could we
4 hold off a ruling and discuss them?
5 THE COURT: All right.
6 MR. MESEREAU: Thank you.
7 THE COURT: All right. I'll hold off on
8 that.
9 Q. BY MR. AUCHINCLOSS: Showing you page seven
10 of Exhibit No. 413, it also appears to be a Hale
11 Lane facsimile transmittal sheet. Can you identify
12 that for me, please?
13 MR. SANGER: Your Honor, I'm sorry, could we
14 just have that back? Page seven of what exhibit?
15 THE COURT: 4-1-3.
16 MR. SANGER: Thank you.
17 THE WITNESS: This is a fax from Hale Lane
18 to Vincent at MJJ Productions of some model releases
19 for the Arvizos; for Gavin, Star, and Janet.
20 Q. BY MR. AUCHINCLOSS: Did you send a fax
21 transmittal to -- and we should say, for the record,
22 that you're looking through -- you've removed the
23 document from its sleeve and there appears to be
24 several appearance and consent release forms that
25 are paper-clipped together.
26 A. I'm sorry, these are different documents
27 with different dates. The paper-clipped transmittal
28 of February 17th appears to be substantially the 10197

same as the fax transmittal that we identified earlier to Neverland.
Q. Okay.
A. Whereas these documents that are attached -- that are in this folder that I just referenced are dated February 21. And I don't know when they were sent or how.
Q. Okay. Let's talk about that. And why don't we keep this out for a moment.
A. Oh. Sure.
Q. The first document is dated February 17th, 2003, correct?
A. Yes.
Q. And it indicates a number of pages with cover of nine; is that true?
A. Yes.
Q. But there's only one, two, three, four, five -- six pages paper-clipped together with this.
A. Yes.
Q. All right. Now, did you direct that this document, either with or without nine pages, was to be sent to Vincent at MJJ Productions at (818) 224-4664 on February 17th, 2003?
A. Yes, I did so direct.
Q. Who is Vincent?
A. I think his name is Vincent Amen.
Q. Have you ever talked to him?
A. I think so, but I don't have a specific 10198

recollection of talking to him.
Q. Have you ever met Mr. Amen?
A. I don't recall.
Q. And was your intent to send those forms to Mr. Amen at that number so that he could get the Arvizos to sign consent and release forms for the "Take 2" video?
A. Yes.
Q. Now, moving on to the next form, page, I guess what we would consider page eight of that same exhibit number, 403. Let me double-check that. 413, I'm sorry.
Calling your attention to page eight, is the language of that model release language that you cleared for use in that consent form?
A. Yes.
Q. Did you have a discussion with Vincent Amen at 12 -- looks like 12:57 a.m. in the early morning hours of February 21, '03?
A. I think so. I just don't remember if it was Vincent Amen. But I had -- I think I mentioned in my testimony yesterday that I had one evening a -- late in the evening I had a conversation about the Arvizo releases.
Q. Okay. I'll come back to that in a moment. I'm showing you People's Exhibit 807. Have you ever seen that exhibit before?
A. Yes. 10199

Q. What is it, please?
A. This is a document authorizing Theodore Goddard to file, it says, "...this complaint on behalf of my son Gavin Arvizo."
Q. Was that a document that you had in your file at Hale Lane for Michael Jackson?
A. I don't know.
Q. Where have you seen that document before?
A. It was filed with the -- well, I don't know. I'm sorry, let me back up. It was submitted to the law firm in the UK of Theodore Goddard as support for their authorization to file the complaint I referenced with the British Broadcasting Standards Board.
Q. Based on your training and experience, does that document look like it was prepared by an attorney?
A. Well, it looks like it was prepared by somebody who had legal knowledge.
Q. Is that the type of document you would prepare for a release of that nature?
A. I don't know if I prepared this or not. I remember discussing this matter, and I remember talking to, I believe it's Ronald Konitzer, who was in Florida at the time, regarding the need to have the authorization for the Broadcasting Standards Board complaint.
Q. Are you aware that Janet Arvizo's attorney 10200

complained that that document was forged around her signature?
A. Yes, I am aware that Mr. Dickerman made that statement.
Q. And were you present when this document was signed?
A. I don't believe so, no.
Q. And where did you get this document from, or a copy of it from?
A. I'm not sure. I believe Mr. Konitzer delivered this document to me. But I -- but I'm not sure.
Q. I'm showing you People's Exhibit 811. It appears to be four pages, if you'd leaf through it. Have you ever seen Exhibit 811 before?
A. Well, Exhibit 811 is a signed version of these other documents that are -- have the February 21, '03, date on them that were faxed under the -- well, I'm not sure they were faxed or not under that. But anyway, yes, I've seen these before, but I don't remember particularly seeing the signed ones.
Q. Okay. Did you have copies of these signed model releases in your file for Michael Jackson?
A. I don't know if I did or didn't. I really -- Ann-Marie was responsible for the release forms.
Q. All right. Going back to the consent forms 10201

that were signed ultimately by the Arvizos, the first consent forms were sent by you to Neverland Valley Ranch to have the Arvizos sign them, correct?
That was the first time that you attempted to get consent forms signed by the Arvizos, true?
A. Yes.
Q. And they didn't sign them, did they?
A. No.
Q. Were you informed of why the Arvizos did not sign those consent forms to be sent to Neverland Valley Ranch?
A. The conversation I had, which -- based on what you've presented, I believe --
Q. I'm sorry. That's a "yes" or "no" question first.
A. I'm sorry, what was the question?
Q. I just want to know if you were informed of why those consent forms were not signed.
A. Yes.
Q. Who did you receive that information from?
A. Based on what you've just reviewed with me, I think it was Vincent Amen.
Q. All right. And what did Vincent Amen tell you about that?
Well, let me back up. Did Vincent Amen tell you that the Arvizos did not want to sign those forms?
A. Yes. 10202

Q. The next forms you sent were to Hamid Moslehi, identical forms, except for some minor changes. I think the “MJJ Productions” is removed. Is that fair to say?
A. The body of the consents are the same. I’m not sure -- we’ve looked at a number of these now. I’m not sure -- did we send -- I’m not sure whether the ones that went to Hamid were particularly for the Arvizos or whether they were general forms.
Q. Would you like to see them again?
A. Yeah, if I could. I’m getting a little confused.
Q. Again, I’m just showing you People’s Exhibit 412.
A. Yeah, these do not have the names of individual people typed in to the body of the document, so they are similar in form and substance, but they are different.
Q. Okay. And was it your intent to have Hamid obtain signatures from the Arvizo family on those forms?
A. I don’t recall that I had any specific intent with respect to the Arvizos in transmitting those to Hamid. It was certainly my intent to have Hamid further assure that we had consents from anybody appearing in the video.
Q. All right. And then is the exhibit that I showed you marked as -- let me check one more thing. 10203

I'm sorry.
A. I'm sorry, I have not been well.
Q. This is the exhibit that was removed from the sleeve. I'll put it back in. That will necessitate me finding the missing sleeve. Okay. Here it is. Well, I'll ask my friend Mr. Zonen to find the sleeve for that.
Q. The exhibit that was to Vincent at MJJ Productions dated February 17th, 2003, that one was specifically sent to have the Arvizos sign, correct?
A. Yes. The body of the document included names of the individual members of the Arvizo family.
Q. And the Arvizos did not sign those forms either, did they?
A. No.
Q. And in the early morning hours, you received a phone call several days later that the Arvizos were still refusing to sign these consent forms, did you not?
A. Correct.
Q. From whom?
A. Again, based on what you've presented, I believe it was Vincent Amen.
Q. And you revised the release form to the state that we find in People's Exhibit 811, which has signatures on it; is that correct?
A. Yes. 10204

Q. Mr. LeGrand, did you conceal any documents from your files on Michael Jackson?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't think so.
Q. BY MR. AUCHINCLOSS: Can you tell me where the e-mails are for that file?
A. As far as I know, they're in the Hale Lane computer system. And to the best of my recollection, there was a CD-rom prepared and delivered to the Katten Muchin law firm.
Q. Can you tell me where your personal notes are regarding your communications with Michael Jackson regarding that period of time of representation for Mr. Jackson that should be in that file?
MR. MESEREAU: Objection. Argumentative; misstates the evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Can you tell me where your personal notes of Michael Jackson -- involving communications with Michael Jackson during this period of time, early part of 2003, can you tell me where those are?
MR. MESEREAU: Objection. Foundation; misstates the evidence. 10205

THE COURT: Overruled.
You may answer.
THE WITNESS: I'm not sure today.
Q. BY MR. AUCHINCLOSS: You stated that you thought the Martin Bashir film was a hatchet job. Did you ever say in an e-mail that, "Ronald had nothing to do with this. The man did the interview himself. Not good"? Did you ever say that?
A. I don't remember that. It's certainly possible.
Q. If I show you a copy of that e-mail, would that refresh your recollection?
A. It might.
MR. AUCHINCLOSS: May I approach?
THE WITNESS: Yeah, I did say that.
Q. BY MR. AUCHINCLOSS: Mr. LeGrand, concerning your files in this case, did you ever indicate that you would, "Walk away as soon as I plug a few document holes"?
A. I may have. There were some corporate paperwork pieces that needed to get finished that I had -- you know, that I had the knowledge of that we just hadn't had time to finish everything that needed -- that should have been done, in my opinion, so I wanted to complete some of that paperwork.
Q. Did you ever say, "I am cleaning up documents over the next few days which should help 10206

build a strong position for defending our actions if they ever need to be defended"?
A. Could be. Again, there were resolutions, there was some corporate paperwork that was no way a fabrication that would reflect the events as they occurred that, you know, should have been done.
Q. Did "cleaning up the documents" in this case include destruction of documents, Mr. LeGrand?
A. No.
MR. AUCHINCLOSS: I have no further questions.
THE COURT: Mr. Mesereau?

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. LeGrand, do you have the exhibit book in front of you that you had yesterday?
A. No, sir.
MR. MESEREAU: May I approach, Your Honor, and --
THE COURT: Yes.
MR. MESEREAU: Oh. Thank you.
Q. Mr. LeGrand, isn't it true the District Attorney's Office never subpoenaed documents from you?
A. That's correct.
Q. Isn't it true that Prosecutor Auchincloss never once called you and asked you to give him any 10207

1 documents in your files?
2 A. That's correct.
3 Q. Isn't it true that Prosecutor Sneddon never
4 called you at any time and said, "Could we please
5 have your files?"
6 A. That's correct.
7 Q. Isn't it true Prosecutor Zonen never called
8 you at any time and said, "Mr. LeGrand, could we
9 just take a look at your files?"
10 A. That's correct.
11 MR. AUCHINCLOSS: Objection; leading.
12 THE COURT: Overruled.
13 Q. BY MR. MESEREAU: Isn't it true that no
14 representative of the Santa Barbara sheriffs ever
15 called your office and said, "Mr. LeGrand, please
16 give us your e-mails"?
17 A. That is correct.
18 Q. Nobody associated with the prosecution has
19 ever called you or your firm and said, "Please let
20 us see your files," right?
21 A. That's true.
22 Q. Now, Mr. LeGrand, the prosecutor asked you
23 some questions about you and your partners' efforts
24 to investigate people who were around Michael
25 Jackson, right?
26 A. Yes.
27 MR. AUCHINCLOSS: Objection; leading.
28 THE COURT: Overruled. 10208

Q. BY MR. MESEREAU: And he specifically asked you questions about an attorney named John Branca, right?
A. Yes.
Q. At the time you began an investigation into some of the people around Mr. Jackson that you were concerned about, one of the people you investigated was Mr. Branca, correct?
A. Yes.
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
Q. BY MR. MESEREAU: And to your knowledge at the time, Mr. Branca had been an attorney in Los Angeles doing music work for Mr. Jackson, right?
A. Yes.
Q. You yourself, as you've indicated yesterday, were not a specialist in music law, right?
A. That's right.
Q. Mr. Branca purportedly was, right?
A. Yes.
Q. Now, you answered some questions yesterday about the Sony/ATV catalog. Remember that?
A. Yes.
Q. And the Sony/ATV catalog was owned 50/50 by Sony and Michael Jackson, correct?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes. 10209

Q. BY MR. MESEREAU: And at times Mr. Jackson and Sony would have business discussions about their respective ownership interests in the catalog, right?
A. I was never privy to those discussions. It would certainly seem that they would occur, but I don't have actual knowledge of that.
Q. But you were aware that negotiations went on from time to time between representatives of Michael Jackson and representatives of Sony about their respective interests in that music catalog, right?
A. Well, absolutely, yes, because I obtained files from the Ziffren law firm evidencing the Ziffren law firm and Mr. Branca's representing Mr. Jackson in just such discussions over a period of time.
Q. And just to clarify, Mr. Branca was a partner at the Ziffren law firm in Los Angeles, correct?
A. Yes.
Q. That firm also represented Sony, correct?
A. I believe the answer is correct. Yes.
Q. And you were concerned that Mr. Branca and that law firm might not be representing Mr. Jackson's interests properly because of their connection to Sony, correct?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained. 10210

Q. BY MR. MESEREAU: Didn't you investigate Mr. Branca because you were concerned that he and Sony had set up an offshore account to funnel money to so they could defraud Michael Jackson?
MR. AUCHINCLOSS: Same objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Why did you investigate Mr. Branca?
A. I requested -- well, let me back up.
After consultation with my partner, Mr. Gibson, and discussion with I believe Mr. Joss at Paul Hastings, Mr. Gibson and I instructed the firm Interfor to investigate Mr. Branca, because Mr. Konitzer had indicated in several conversations that he was very concerned about Mr. Branca and that Mr. Jackson had expressed concern about Mr. Branca's loyalty.
Also, there was -- Mr. Schaffel related information that also was negative of Mr. Branca.
So we made collectively the decision to ask Interfor to further the background investigation, to conduct investigation into Mr. Branca.
Q. But at the time, Konitzer didn't know that you were also investigating him, right?
A. That's correct.
Q. At the time, Schaffel didn't know you were also investigating Schaffel, right?
A. That's correct. 10211

Q. At the time, Weizner didn't know you were also investigating Weizner, right?
MR. AUCHINCLOSS: Objection. Leading; foundation.
THE COURT: Overruled.
THE WITNESS: That's correct. We did not inform them of the scope of -- the full scope of Interfor's actions at our request.
Q. BY MR. MESEREAU: And you also investigated somebody named Tommy Motolla, correct?
A. I'm not sure that's correct.
Q. Do you recall asking Interfor to do some investigation into an offshore bank account?
A. It's kind of the other way around. We asked Interfor to investigate Mr. Branca. They indicated to us that --
MR. AUCHINCLOSS: I'm going to object based on hearsay.
MR. MESEREAU: State of mind, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What was your state of mind when you investigated the possibility that an offshore account had been formed by various people to defraud Michael Jackson?
MR. AUCHINCLOSS: I'm going to object as leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What was your state of 10212

mind when you investigated the formation of an offshore bank account?
MR. AUCHINCLOSS: Objection; assumes facts.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you investigate the existence of an offshore bank account?
A. We requested Interfor to look into that possibility, yes.
Q. Why?
A. Because there was a --
MR. AUCHINCLOSS: I'll object based on hearsay.
MR. MESEREAU: State of mind.
THE COURT: The objection is overruled.
You may complete your answer.
THE WITNESS: Because we had -- we, the lawyers, had been given information from a source that appeared to have some credibility that such an account existed.
Q. BY MR. MESEREAU: And why did you want to investigate that account?
A. Be -- well, to me, that's kind of obvious. But if, in fact, there was an offshore account in which money was being deposited for the benefit of Mr. Branca or others, that would indicate very serious violations of Mr. Branca's responsibilities to Mr. Jackson.
Q. Did you think at one point that Sony was

paying Mr. Branca money to sell out Mr. Jackson?
MR. AUCHINCLOSS: Objection. Improper opinion; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did your investigation involve anyone you thought was involved in transferring money to that bank account?
A. The best way I can answer that is to say we asked the investigators to do as complete a job as they could with the financial resources we had available for them. And I didn't delineate who they should or shouldn't look into with respect to such an account.
Q. But at your direction, they looked into the existence of that account, correct?
A. Yes.
Q. And it was your direction that they look into that account because you were concerned that Michael Jackson's attorney and Sony were putting money in that account so Mr. Jackson's lawyer would essentially sell him out, right?
MR. AUCHINCLOSS: Objection. Leading; argumentative.
THE COURT: Sustained; foundation.
Q. BY MR. MESEREAU: Where was the offshore account, if you know?
A. I'm sorry, I don't recall. I believe it was in the Caribbean. 10214

Q. Okay. And did your investigation get far enough to establish that, in fact, this lawyer was a signatory on that account?
A. I don't believe so, no.
Q. But the investigation did indicate he was somehow involved in the account, correct?
A. The investigator's report so indicated.
Q. And the investigator's report indicated it appeared that Sony was involved in that account, right?
A. The investigator's report indicated that Sony had transferred money to the account.
Q. Sony had transferred money to that account for the benefit of Mr. Jackson's lawyer, right?
A. That's what was indicated in the report. It -- I need to be very clear here that that was not verified, with a reasonable degree of certainty, that I would have acted upon that information. And Mr. Branca's a fine lawyer. And, you know, there is no -- I have no proof of these statements.
Q. You investigated Mr. Branca because, in your words, you thought he was involved in self-dealing, right?
MR. AUCHINCLOSS: Objection. Improper opinion; no foundation; leading.
THE COURT: Overruled.
THE WITNESS: Again, you know, I want to be 10215

clear. I consulted with my partner and, you know, other lawyers, and we collectively made a decision to -- that it was prudent to have our investigator look into the possibility of such actions being taken by Mr. Branca.
Q. BY MR. MESEREAU: You were concerned that all of the individuals you investigated were involved in self-dealing, right?
A. No. That's not right. For example, I did not suspect Mr. Malnik of self-dealing in any way.
Q. Then why did you have an entirely separate and more comprehensive investigation done of Mr. Malnik?
A. I had done an Internet search on Mr. Malnik before I met him. That Internet search indicated that he had ties to organized crime; that he was rumored to be the, you know, quote, heir of Meyer Lansky.
There were, you know, sufficient clouds in the public record of Mr. Malnik's past that, again, we, the lawyers, made a collective decision that it was prudent to further investigate Mr. Malnik. We did not know who he was. And he was becoming a more and more powerful figure in Michael Jackson's life.
Q. Did you at any point determine that Malnik had ties with Sony?
MR. AUCHINCLOSS: Objection. Foundation; improper opinion; leading. 10216

THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know whether or not Mr. Malnik has ever had a position with the Sony corporation?
MR. AUCHINCLOSS: Objection. Same objection. Add relevancy.
THE COURT: Relevancy, sustained.
Q. BY MR. MESEREAU: When you did your investigation, you and your partner, both former prosecutors, were you concerned about Mr. Malnik's relationship with Sony?
MR. AUCHINCLOSS: Same objection.
THE COURT: Overruled.
THE WITNESS: I really don't recall that we had any concern over Mr. Malnik's relationship with Sony. In fact, I'm not aware that he had a significant relationship with Sony.
Our concern about Mr. Malnik was simply based upon the, you know, public records indicating these, you know, vague relationships to criminal figures. And those -- you know, those are all long in the past, but still, you know, in the public domain.
Q. BY MR. MESEREAU: And you were concerned that all of these characters were trying to steal money and take advantage of Michael Jackson, right?
MR. AUCHINCLOSS: Objection. Leading; argumentative. 10217

THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you and Prosecutor Auchincloss ever had a discussion about this investigation that you and your partner began?
A. No.
Q. Has Mr. Auchincloss ever tried to approach you to find out why you were investigating all of these people while you were Mr. Jackson's lawyer?
A. No.
Q. Isn't it true that you were trying to investigate offshore accounts owned by Branca and someone named Tommy Motolla?
A. Yes.
Q. Who was Tommy Motolla?
A. He was a very powerful figure in the record industry at one time. I believe he was the president of the Sony Entertainment Division in the U.S. I'm not sure of his exact title or position.
Q. Were you concerned that Tommy Motolla and Mr. Jackson's lawyer, John Branca, were working together to defraud Michael Jackson?
MR. AUCHINCLOSS: Objection. Relevancy; assumes facts; leading.
THE COURT: You may answer.
THE WITNESS: Based on the suspicions that were expressed to me and my partner, we asked Interfor to look into these rumors.
Q. BY MR. MESEREAU: Now, you had known 10218

Konitzer for how many years at that point?
A. I'm not sure. Six, seven, eight maybe.
Q. But you had never investigated Konitzer
before you started this investigation, right?
A. Right.
Q. Even though you knew Konitzer all those
years, you had never hired an investigative firm to
check out his background, correct?
A. Correct.
Q. You were concerned that Konitzer was engaged
in self-dealing at the expense of Michael Jackson,
true?
A. Yes.
MR. AUCHINCLOSS: Objection. Relevancy;
improper opinion.
MR. MESEREAU: I think the prosecutor's gone
through all this, Your Honor.
THE COURT: The objection is overruled.
THE WITNESS: My answer is yes, I was
concerned.
Q. BY MR. MESEREAU: You were also concerned
that Dieter Weizner was engaging in self-dealing at
the expense of Michael Jackson, correct?
A. Yes.
Q. You were -- you asked for an investigation
into Konitzer's background in Canada, right?
A. Canada and Germany, yes.
Q. And you also asked for an investigation into 10219

1 Weizner's background in Germany, right?
2 A. Yes.
3 Q. Have you ever met Tommy Motolla?
4 A. No.
5 Q. Ever spoken to him?
6 A. No.
7 Q. To your knowledge, did Al Malnik have any
8 relationship with Tommy Motolla?
9 A. Not to my knowledge.
10 Q. Did you ever talk to him about that?
11 A. I don't believe I ever talked to Al about
12 whether or not he knew or had met Tommy Motolla.
13 Q. Was it your belief when you started this
14 investigation that Al Malnik, Tommy Motolla, John
15 Branca and people at Sony were trying to find a way
16 to get Mr. Jackson's interest in that music catalog?
17 MR. AUCHINCLOSS: Objection. Argumentative;
18 leading; relevancy.
19 THE COURT: Overruled.
20 You may answer.
21 THE WITNESS: I'm not sure that I would
22 include Al Malnik in that group, but I certainly was
23 concerned that Branca and Motolla, in particular,
24 had set the stage, so to speak, for Sony to be able
25 to obtain Michael's interest in the Sony/ATV joint
26 venture.
27 Q. BY MR. MESEREAU: And as a former prosecutor
28 and as Michael Jackson's attorney, you thought the 10220

ethical and professional thing for you and your law
firm to do was to investigate these people to
protect Mr. Jackson as best you could, right?
MR. AUCHINCLOSS: I'm going to object to the
prefatory remarks as argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: The investigation was one of
the tools we employed to try to be effective in
representing our client's interest.
Q. BY MR. MESEREAU: In response to Prosecutor
Auchincloss's questions, you said you wanted --
excuse me, let me rephrase that.
In response to Prosecutor Auchincloss's
questions about why you started this investigation,
you said you wanted Michael Jackson to be empowered.
Do you remember that?
A. Yes.
Q. And what did you mean by the word
"empowered"?
A. I wanted him to have a higher degree of
detail and knowledge about the people who were
becoming influential in his business and financial
affairs, so that, having that knowledge, he could
then make better decisions about those people and
the positions they would occupy in his life.
Q. Did you feel that Michael Jackson had made
poor decisions in trusting certain people in his 10221

life?
A. No disrespect intended to Mr. Jackson, but it's -- it was apparent from any review of the lawsuits against him and some of his well-publicized history that he's been taken -- you know, that people have attempted to gain significantly from being associated with him.
Q. And you felt, looking at his history, that he'd been taken advantage of repeatedly, right?
MR. AUCHINCLOSS: Objection. Leading; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you make a determination whether or not Mr. Jackson had been taken advantage of?
MR. AUCHINCLOSS: Objection; improper opinion.
THE COURT: Relevancy; sustained.
Q. BY MR. MESEREAU: Did you feel that one of your responsibilities as Mr. Jackson's new attorney was to try and stop people from taking advantage of him?
A. Yes.
Q. Did you have concerns that all of the people that you were investigating were taking advantage of Michael Jackson?
MR. AUCHINCLOSS: Objection. Leading; relevance. 10222

THE COURT: Asked and answered.
MR. AUCHINCLOSS: Asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you know that Mark Geragos was investigating the Arvizos?
A. I don't know. I don't remember -- as I sit here today, I don't remember specifically that I knew he was investigating them. I'm just not sure about that. I'm sorry.
Q. I'm sorry. Did I stop you?
A. No. I just -- I don't remember.
Q. Well, Prosecutor Auchincloss asked you if you had ever talked to an investigator named Brad Miller, right?
A. Yes.
Q. And I believe you thought you might have, but you weren't sure; is that right?
A. That's right.
Q. At some point, you were one of the lawyers responsible for hiring Mark Geragos, right?
A. Yes.
Q. Do you recall ever discussing with Mark Geragos his decision to investigate the Arvizos' background in extortion and fraud?
MR. AUCHINCLOSS: Objection. Argumentative; assumes facts; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever talk with 10223

Mark Geragos about what he learned about the J.C.
Penney suit filed by the Arvizos?
MR. AUCHINCLOSS: Objection. Hearsay;
exceeds the scope.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you were
communicating with Mr. Geragos, did you ever
discuss, you and he, a J.C. Penney suit, that you
recall?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, Prosecutor
Auchincloss asked you some questions yesterday about
Janet Arvizo turning down an offer of $25,000 from
you. Do you remember that?
A. Yes.
Q. And at the point in time when you offered
$25,000 to Janet Arvizo, Janet Arvizo was being
represented in England by the same law firm that
represented Michael Jackson, right?
A. With respect to the British broadcasting
administrative complaint process, yes.
Q. If you know, who was paying Janet Arvizo's
legal fees in that action?
A. Ultimately Mr. Jackson. I'm not sure which
exactly the source of funds was. But ultimately Mr.
Jackson.
Q. Do you have any idea how much money Mr. 10224

Jackson spent paying Janet Arvizo's legal fees in England?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you discussed the possibility of giving Janet Arvizo $25,000, you were talking to her new lawyer named Bill Dickerman, right?
A. Yes.
Q. When you spoke to Bill Dickerman, did you know that he had a profit-sharing arrangement with an attorney named Larry Feldman?
MR. AUCHINCLOSS: Objection. Relevancy; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: If Janet Arvizo was going to file a lawsuit against Michael Jackson with Attorneys Larry Feldman and Bill Dickerman, it wouldn't make sense to be joined with him in a suit in England, would it?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Approximately when did you talk to Attorney Bill Dickerman about your offer of $25,000 to Janet Arvizo?
A. As I think I said yesterday, it was I think spring of '04. And whether that was March, April, May or June, I'm not sure. Mr. Dickerman and I 10225

corresponded over a period of, I'm not sure whether it was two weeks or six weeks. But there was a little period of time. And I'm pretty sure it was late spring of '04.
Q. Did the name Attorney Larry Feldman ever pop up in your discussions with Bill Dickerman?
A. No.
Q. How about Jamie Masada?
A. No.
Q. How about Stan Katz?
MR. AUCHINCLOSS: Objection. Beyond the scope; relevancy.
MR. MESEREAU: I believe counsel explored this issue, Your Honor.
THE COURT: The objection is sustained.
Q. BY MR. MESEREAU: Attorney Dickerman communicated to you his desire that Mrs. Arvizo not be represented by any of Michael Jackson's attorneys, right?
A. Not exactly. What he communicated was that he wanted the -- the representation with respect to the British Standards Board complaint to be terminated and he wanted the complaint withdrawn.
Q. And that was a complaint that Mr. Jackson and Mrs. Arvizo had filed complaining about Mr. Bashir's actions and tactics, right?
MR. AUCHINCLOSS: Objection; assumes facts not in evidence. 10226

THE COURT: Overruled.
THE WITNESS: Originally, as I said yesterday, there was one complaint filed on behalf of the Jacksons and the Arvizos. The Standards Board subsequently instructed the lawyers in the UK that the Arvizo complaint was a separate and distinct matter and needed to be the subject of its own complaint.
So that's -- I mean, so there were two separate complaints. Ultimately one for the Arvizos and one for Mr. Jackson. And those complaints alleged that Granada and Martin Bashir, as Granada's agent, had violated various aspects of the British broadcasting standards with respect to their actions in the video presented and produced by Granada.
Q. BY MR. MESEREAU: At any point, did you feel that you were a lawyer for Janet Arvizo?
A. No.
Q. At any point, did you feel you were giving any legal advice to Janet Arvizo?
A. No.
Q. Now, Prosecutor Auchincloss showed you a couple of model release forms that you had prepared, right?
A. Yes.
Q. And when you prepared those release forms, it was your understanding that Ms. Arvizo and her family would sign them authorizing the family to be 10227

filmed in the “Take 2” production, right?
MR. AUCHINCLOSS: Objection. Leading;
assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Why did you prepare model
releases to be signed by the Arvizos?
A. Because we -- because there could not be a
broadcast use of any video containing their images
without a release.
Q. And at some point, did you learn that Janet
Arvizo was bargaining for better terms in those
releases?
MR. AUCHINCLOSS: Objection. Hearsay;
assumes facts not in evidence; and leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You indicated in response
to Prosecutor Auchincloss’s questions that there was
a point in time where Janet Arvizo didn’t want to
sign the release you had drafted, correct?
A. Yes.
Q. And I believe you said that that refusal to
sign was communicated to you by Vincent Amen,
correct?
A. Yes.
Q. And I believe you said that you then
redrafted a release for Janet Arvizo to sign,
correct?
A. Yes. 10228

Q. Why did you redraft that release for Janet Arvizo to sign?
A. Because I needed -- because it had to be in a simpler, more readable, user-friendly, plain-English format, based on what had been presented to me as the concerns and reservations about executing the more formal release that I think is two big paragraphs of like, you know, one sentence per paragraph. It's very legalese, so to speak, and my understanding was that the Arvizos would sign releases if they were drafted in a fashion that were understandable by them.
Q. And was it your understanding that that was Janet Arvizo's request?
A. Yes.
Q. Who communicated that request to you?
A. I think it was Vincent Amen.
Q. How many drafts did that release go through before you learned that Janet had signed it?
A. I think it was just the one revision process. We went from the more complex document that I described that we looked at in the exhibits earlier to a more simpler document I think titled "Model Release," and it's much simpler, less elegant.
Q. And did you ever learn whether or not the Arvizos had even appeared in the "Take 2" documentary? 10229

A. I'm not sure that they did, to tell you the truth. I mean, I did watch it once, but that was two years ago, and I don't remember whether they're in it or not.
Q. Isn't it true, Mr. LeGrand, that documentary appeared on television, was a great success, and they weren't even in it?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Counsel? I have this picture of this lawyer upstairs walking back and forth, pulling his hairs out of his head, wondering why the heck I ordered him up here today under threat of warrant while Mr. Mesereau goes on and on. What's wrong with that picture?
MR. MESEREAU: It's pretty accurate, I think, Your Honor.
THE COURT: Can we get on with it?
MR. MESEREAU: Yes. Yes, I will. Okay.
(Laughter.)
Q. BY MR. MESEREAU: All right. Prosecutor -- Prosecutor Auchincloss --
THE COURT: Thank you for laughing. That relieves some tension here.
Q. BY MR. MESEREAU: Prosecutor Auchincloss asked you a question yesterday about Mr. Jackson's music career. Do you remember that?
A. Not precisely, no, sir. 10230

Q. Well, didn't he say something about you were all working on a "Take 2" documentary because you were trying to shore up a falling music career for Michael Jackson?
A. I think there was a question that had that implicit in it. But I can't recall the details of the question. It's been quite a few questions in the last day.
Q. In the Bashir documentary, do you remember Mr. Jackson received a BAMBI award?
A. Yes.
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In fact, in that documentary Bashir talks about Michael Jackson as the greatest musical artist of all time, right?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You indicated you spoke to representatives of the Bank of America about the Fire Mountain LLC, right?
A. Yes.
Q. And it was your understanding they had no objection to money from the "Take 2" documentary being placed in the Fire Mountain account, correct?
MR. AUCHINCLOSS: Objection. Hearsay; leading.
THE COURT: Overruled. 10231

You may answer.
THE WITNESS: I had a conversation, I'm not sure which individual at Bank of America. There were two or three that I spoke with. And after discussing with them the overall circumstances, the uses in paying the attorneys and funding the litigation in the UK and such, they indicated that they would not view that as a default under the loan, and to the best of my knowledge, they subsequently extended the loan in negotiations with Mr. Malnik.
Q. BY MR. MESEREAU: And certainly Mr. Jackson was not working with you in any effort to defraud Bank of America, right?
A. That's right.
MR. MESEREAU: I have no further questions, Your Honor.
MR. AUCHINCLOSS: Just a few. I'll be brief.

RECROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. LeGrand, you spoke to Attorney Finkelstein at least two times. You testified to that yesterday, correct?
A. I think that's right.
Q. And Mr. Finkelstein was an attorney for Mr. Jackson, true? 10232

A. Today I'm not sure who he was acting for.
Q. That was your understanding, that he was an attorney for Mr. Jackson, correct?
A. It was my understanding he was being engaged to handle the funds with respect to Fire Mountain, which was --
Q. My question is, he was an attorney for Michael Jackson; true or false?
A. I don't know that.
Q. Was that your understanding?
A. I am not aware that Mr. Finkelstein believed he was representing Mr. Jackson as an individual.
Q. Who was he representing?
A. I thought he was acting for Fire Mountain.
Q. And Fire Mountain is completely owned by MJJ Productions?
A. Yes, a corporation.
Q. Which is completely owned by Michael Jackson?
A. Yes. That was my understanding.
Q. So he would be answering to Michael Jackson, true?
A. Ultimately, yes.
Q. Okay. Mr. Finkelstein is a specialist in offshore money, isn't he?
A. I don't know what he specializes in.
Q. Well, isn't it true that you transferred two million dollars to Mr. Finkelstein on Michael 10233

Jackson's behalf so that Michael Jackson could establish offshore bank accounts, true, or for deposit in offshore bank accounts for Mr. Jackson?
MR. MESEREAU: Objection. Relevancy; foundation.
Q. BY MR. AUCHINCLOSS: True?
THE COURT: Overruled.
THE WITNESS: I have, and had, no knowledge of establishment of offshore accounts for the benefit of Mr. Jackson at that time.
Q. BY MR. AUCHINCLOSS: Well, you were entrusted with this two million dollars, correct?
A. Yes, sir.
Q. And you were entrusted with that two million dollars to act in Michael Jackson's interests, correct?
A. Yes, sir.
Q. And when you transferred that two million dollars to Mr. Finkelstein, Mr. Jackson's interests were what you were serving when you did that, correct?
A. That was my intent, yes, sir.
Q. And are you telling us you had no idea where that two million dollars was going?
A. I thought it was going to be used to pay the expenses that were being incurred on Mr. Jackson's behalf in terms of the Granada litigation, to pay bills, and would be delivered to the money manager 10234

once we got the new money manager firmly
established. That's what I believed.
Q. But it wasn't, was it?
A. Actually, I believe a significant portion of
the funds ultimately were delivered to Allan
Whitman.
Q. Do you know that?
A. I'm not sure today, but I thought -- I
certainly thought that the residual of the money
after that $965,000 was disbursed, I thought that
was delivered to Mr. Whitman. But I could be wrong
about that.
Q. As far as the John Branca and Tommy Motolla
investigation by Interfor, Interfor never found any
evidence that Mr. Motolla or Mr. Branca were engaged
in any fraud with Mr. Jackson, did they?
A. That's correct. I had no evidence delivered
with that report to substantiate those claims.
Q. And in fact, that report only indicate that
Sony was depositing money in some offshore account,
apparently for Mr. -- on Mr. Jackson's behalf, true?
A. I'm not sure about the "Mr. Jackson's
behalf." I would need to see the report.
Q. Okay. But you have no reason to believe
that any funds transferred to an offshore account by
Sony, you have no reason to believe that those funds
were somehow defrauding Mr. Jackson?
A. I was given no credible evidence to support 10235

those charges. I would be doing Mr. Branca and Mr. Motolla a great wrong if I said otherwise.
Q. Did you consult with Mr. Jackson before you took two million dollars of his money and sent it to Mr. Finkelstein?
A. I don't think so.
Q. Did you ever talk to him about that, ever?
A. I believe we talked about it when we were at Al Malnik's house in Florida later.
Q. And Mr. Finkelstein -- or Mr. Jackson had knowledge of that two million dollars being transferred to Mr. Finkelstein, didn't he?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: He never indicated that he didn't know that you had transferred two million dollars of his money to Mr. Finkelstein without his permission or without his agreement, did he?
A. He never indicated to me that he was dissatisfied with what -- with those transfers.
Q. As far as this litigation or complaint, or whatever was going on in England regarding the airing of the Bashir special, Janet Arvizo never authorized her joinder in that action, did she, as far as you know?
A. The only evidence I saw of her authorization for that action was the page you showed me earlier that Mr. Dickerman subsequently stated was a 10236

forgery.
Q. And as far as you know, Janet Arvizo has never authorized any law firm in England to represent her, as far as you know today, based on everything?
A. Yeah, that's true.
Q. And Janet Arvizo was reluctant to sign those consent forms because she felt that she was burned in the Martin Bashir special; that her family was hurt because Gavin appeared in that special without anybody's consent. Isn't that one of the reasons why she was reluctant to sign those consent forms?
A. I don't know what was in Janet Arvizo's mind.
Q. No one ever communicated to you that that was part of her reluctance in signing those forms?
A. I don't remember that. I think Mr. Dickerman said words to that effect in 2004. But I don't remember anybody at the time, the week or ten days or so that we were engaged in getting appearance consents and releases from various people, I don't believe I heard that kind of statement at that time.
Q. As far as the allegations of double-dealing, self-interest involving the Interfor investigation, Interfor never came up with anything substantial, substantive, about Mr. Konitzer, did they?
A. I'm not sure what you mean by "substantive." 10237

Q. Well, in terms of his double-dealing with Michael Jackson, was there ever any indication that he was double-dealing with Michael Jackson based upon that report?
A. No, but that wasn't -- the report wasn't about that.
Q. Was there ever any indication that he was double-dealing -- that Dieter Weizner was double-dealing with Michael Jackson in any way, shape or form?
A. Not in that report.
Q. That report was basically full of rumors and unsubstantiated allegations, true, because it was incomplete?
A. Ultimately that was my view.
Q. And if Bank of America knew that you were sending two million dollars to Mr. Finkelstein, do you think they would have gone ahead and authorized the handling of these funds through the Fire Mountain account?
A. I don't know.
Q. Well, didn't you know that they were concerned about paying bills and not putting money offshore?
A. I don't know. I can't speak for Bank of America, I'm sorry, sir.
Q. Janet Arvizo, based upon everything you knew, was going to get nothing for this film, video, 10238

of her and her family that was taken at Mr. Moslehi's house, true?
A. I don't know.
Q. Well, you didn't disburse any funds to her from the account that you pulled in three million dollars from FOX on, correct?
A. That's true.
Q. And she didn't get a dime of that, did she?
A. Not to my knowledge.
Q. And you knew she was a poor individual, indigent, her family did not have money?
MR. MESEREAU: Objection. Foundation; misstates the evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did it ever occur to you that you were engaging in an exploitation of Janet Arvizo along with Michael Jackson?
MR. MESEREAU: Objection. Foundation; leading; misstates the evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Mr. LeGrand, as far as any requests from the People regarding files or any requests from law enforcement regarding files, the reason why no requests were made is because that would have been futile, because there's an attorney-client privilege that protects those files; isn't that accurate?
MR. MESEREAU: Objection. Misstates the 10239

evidence; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm not an expert in that area of law, but I think generally you're correct, that the prosecution in this case could not have compelled me to produce those files without Mr. Jackson's consent.
Q. BY MR. AUCHINCLOSS: And in fact, you were contacted by the Santa Barbara Sheriff's Office and asked to be interviewed, and you refused; isn't that true?
A. I informed your -- I'm not sure what his title was, but I informed the investigator who called from the office that I would only be able to be interviewed if they obtained Mr. Jackson's consent.
MR. AUCHINCLOSS: No further questions.

FURTHER REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. LeGrand, do you know whether or not Mr. Jackson has waived the attorney-client privilege as far as you're concerned?
A. Yes. I received documents signed by Mr. Jackson waiving privilege so that I could appear here today and yesterday.
Q. In fact, you were informed quite a while ago 10240

that Mr. Jackson had waived the attorney-client privilege, correct?
A. Well, I was informed that he was prepared to waive it with respect to my testimony, yes.
Q. Nobody from law enforcement has ever asked you if there was any waiver of the attorney-client privilege, right?
A. That's correct.
Q. Nobody from the prosecution has ever asked you if there was any waiver of the attorney-client privilege?
A. That's correct.
Q. Mr. Jackson doesn't even know who Mr. Finkelstein is, right?
MR. AUCHINCLOSS: Objection. Assumes facts; foundation; argumentative.
THE COURT: Sustained.
MR. MESEREAU: No further questions.

FURTHER RECROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. As far as this waiver goes, when did you ultimately obtain a waiver from Mr. Jackson on the attorney-client privilege?
A. I believe it was Wednesday morning, this week.
MR. AUCHINCLOSS: No further questions.

FURTHER REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. LeGrand, do you remember learning that we had turned over your files to the prosecution last December?
A. Yes.
MR. AUCHINCLOSS: Objection; assumes facts.
Q. BY MR. MESEREAU: Did they ever ask you to follow up, give them some more documents after they got your files last December?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: I had no contact from the prosecutor's office other than that one phone call from the sheriffs a long -- or investigator a long time ago. But since December, no.
Q. BY MR. MESEREAU: And were you aware that Mr. Auchincloss had your files as of last December?
A. I didn't even know who Mr. Auchincloss was before yesterday, but I had been informed by you that my files had been delivered to the office headed by Mr. Sneddon.
MR. MESEREAU: Thank you.
MR. AUCHINCLOSS: I have no further questions, Your Honor. But there is one housekeeping matter that I don't think is appropriate for me to mention in front of the jury. 10242

THE COURT: All right. Then I'll excuse the jury for lunch. We'll take our break now, and I'll remain for a moment.

(To the witness) Just a moment. I'm not sure if this involves you or not.

MR. AUCHINCLOSS: Thank you.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Go ahead.

MR. AUCHINCLOSS: Your Honor, this witness has indicated that he turned over five boxes of documents to the defense. He has indicated that there should have been e-mails in that -- in those files, as well as his personal notes regarding communications with his client.

I would like to state for the record, we have none of those items. We have what I would say would probably be one banker's box of materials. And I would like this witness ordered back. I would like him ordered to produce the entire file regarding Mr. Jackson. And I would like an opportunity to review those documents and, if necessary, have him brought back on cross-examination concerning those documents.

THE COURT: As I understood his testimony, 10243

he's turned over everything that he had to somebody else. I mean, he doesn't claim that he has any of the documents.
MR. AUCHINCLOSS: And if that is the state of the record, then I'd ask that the Court order the defense to produce the documents that I've mentioned.
THE COURT: Is that your position, that you've already turned over everything you have on this case to someone else?
THE WITNESS: Your Honor, with respect -- I am no longer associated with the firm of Hale Lane.
THE BAILIFF: No one can hear you, sir.
THE WITNESS: I'm sorry.
I am no longer associated with the law firm of Hale Lane. And I have no control over any of the files that remain at Hale Lane. I have no access to any of those materials.
I did, when I left Hale Lane, have a few legal pads of notes. I don't know whether those notes include any references to Mr. Jackson or not. And I will be pleased to, you know, look through those and see if there are. But I have no access or control.
THE COURT: Other than that, is it your belief that all the file was turned over, or do you have any way of knowing that?
THE WITNESS: I really have no way of 10244

knowing that. I mean, I -- when my representation was terminated originally back in March of 2003, I prepared copies of all the files at that time and delivered them, I believe to Mr. Malnik in Florida, who at the time I understood to be the primary attorney serving Mr. Jackson.
Subsequently, I was re-engaged for the limited purpose of continuing to manage the Granada litigation in the United Kingdom, and continued in that role until -- for quite a while, until the charges were brought against Mr. Jackson in this case, at which time the litigation in the UK was put on hold.
Shortly thereafter, I communicated with Mr. Malnik, asked him what I should do. And I corresponded with, I think it was Steve Cochran, Zia Modabber, whom I knew from the dealings with Mr. Jackson, and indicated that I felt it appropriate to turn over my records to the Katten Muchin law firm, which at the time seemed to have a continuing representation of Mr. Jackson.
I instructed my staff to prepare, you know, copies of files. I -- this discussion of completeness is somewhat baffling to me. Nobody ever requested that I turn over every single piece of paper, e-mail or document, that we make, you know, a thorough search of every crevice and cranny of our firm. We simply did our best to, you know, 10245

compile the files and deliver them. A lot of --
THE COURT: Have you turned over everything
that you have control of at this point to somebody,
other than --
THE WITNESS: Yeah, I think so.
THE COURT: Okay.
THE WITNESS: It's possible I have some
boxes that may contain some notes.
THE COURT: I'll ask you to look through
whatever records you have, and if you find that you
have some, prepare -- notify both sides and give
both sides access to those documents.
THE WITNESS: Very good, sir.
MR. AUCHINCLOSS: There was one other thing.
He mentioned that he delivered a CD of
e-mails to the defense, which we have not received.
THE COURT: Well, my recollection of the
testimony was that he thought he did.
Did you --
MS. YU: Your Honor, I believe everything
was produced. We printed everything from a CD
that, it is correct, that Mr. LeGrand -- and we
printed it out and we produced them.
THE COURT: All right.
MS. YU: Every page.
THE COURT: So you should have those.
So the Court will -- you may step down.
Thank you. 10246

The Court will go in recess.
THE WITNESS: There's still a binder here.
Somebody -- I'm not sure whose it is.
(Recess taken.)

(The following proceedings were held in
open court in the presence and hearing of the
jury:)

THE COURT: Call your next witness.
MR. MESEREAU: Yes. The defense will call
Mr. Mark Geragos.
THE COURT: Come forward, please. When you
get to the witness stand, remain standing.
Face the clerk and raise your right hand.

MARK GERAGOS
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated.
THE WITNESS: Thank you.
THE CLERK: State and spell your name for the
record.
THE WITNESS: Mark Geragos. G-e-r-a-g-o-s.
THE CLERK: Thank you.
DIRECT EXAMINATION
BY MR. MESEREAU: 10247

Q. Good morning, Mark.
A. Good morning, Tom.
Q. Would you please give a little summary of your education?
A. I went to college, I went to law school, I passed the bar.
Q. Okay.
(Laughter.)
Q. That was kind of long-winded, wasn't it?
A. It was not a very distinguished undergraduate or graduate career, so....
Q. And you are a lawyer in Los Angeles, correct?
A. I am. I've got a firm in Los Angeles, which I share with my father and my brother, named Geragos & Geragos. We stayed up all night thinking it up.
Q. All right. Do you know the fellow seated at counsel table to my right?
A. Yes.
Q. And who is he?
A. Michael Jackson, who was a client of mine for about 16 months.
Q. And when did you first meet Mr. Jackson?
A. It would have been probably about February -- the first week of February of 2003, I believe.
Q. And at some point, you were retained to 10248

represent Mr. Jackson, right?
A. That's correct.
Q. And how did that come about?
THE WITNESS: Although I know you've told me out of court that there is a waiver, Your Honor, I have not seen nor heard it on the record, and I'm more comfortable if I have that first.
THE COURT: Certainly.
MR. MESEREAU: I can represent to the Court there is a waiver of the attorney-client privilege so Mr. Geragos can testify.
THE COURT: You have a written waiver you'll provide him with after court today?
MR. MESEREAU: We will do that, Your Honor, sure.
THE COURT: Is that satisfactory?
THE WITNESS: That is, Your Honor. Thank you.
Q. BY MR. MESEREAU: When were you first retained to represent Mr. Jackson?
A. It would have been sometime shortly before I met him the first time. The first time I met Michael was at Neverland, and I was contacted by somebody from, I think, Paul Hastings. And then was sent -- or there was a series of transactions, I guess, or faxes back and forth, and ultimately I was retained and then went up to Neverland and met Michael for the first time. 10249

Q. And why were you retained?
A. At that point, there were allegations that were being made in the media and there was also, as I remember, complaints that were being made to Child Services about him, his fitness as a parent, as well.
Q. And did you represent Mr. Jackson in those two areas?
A. I did. I was given the role, so to speak, among a cast of thousands, to kind of coordinate and be a person who would look out for his interests in those areas.
Q. And when you began to represent Mr. Jackson, were you reporting to anyone in particular?
A. Well, when I first came on board, there was a gentleman, who I saw in the hallway just a minute ago, David LeGrand, who was there, who was a lawyer who was coordinating a lot of the stuff.
There was a gentleman who he introduced me to named Ronald Konitzer. And there was a gentleman over at Paul Hastings. And I feel awful, I can't remember his name, because he's the person who referred me over there in the first place. But there was another lawyer there.
But generally what would happen is, it wasn't so much reporting as we would have these interminably long conference calls.
Q. And generally who was involved in those 10250

calls?
A. It seemed like everyone. There were all kinds of people on the conference calls. There were PR people. Paul Hastings lawyers. David LeGrand would be on the conference call. I would plug into the conference call. Ronald Konitzer would be on the conference call, among others. Those are the ones that come to mind.
Q. And were these conference calls occurring on a daily basis?
A. It seemed like it.
Q. Typically who would initiate the conference call?
A. I think David's office would be my -- would -- but that would be a guess. I really don't know.
Q. Was Michael Jackson usually involved in these conference calls?
A. Usually not.
Q. Was he involved in any of them?
A. He -- there were a couple of calls. You're talking about February of '03.
Q. Sure.
A. There were a couple of calls where Michael would get on the phone for brief periods of time, but generally were not the same as what I'm talking about with these conference calls. Those would be a call where maybe Ronald would put him on the phone, 10251

there would a brief discussion. It wouldn't be more than, I don't know, 45 seconds or a minute, usually, it seemed like. It was very quick.
Q. And I believe said your work involved response to the Bashir documentary?
A. Well, the lawyers who were responding to the Bashir documentary, as I understood it, was there was -- I think it was Paul Hastings English barristers who were dealing with the documentary there and dealing with some issue that they kept talking about, some board that was involved that they were making complaints about.
And then here, my role was to see if there was any kind of -- anything that needed to be done to protect him in terms of his parental rights or anything else from the accusations that were being made against him.
Q. Was your firm exclusively involved in the area of child custody, parental rights?
A. No. There was -- he had a -- I don't know if he still has, but there was a lawyer by the name of -- I think his name was Lance Spiegel, from a firm on the west side of Los Angeles, and he was clearly primarily with the custody issues.
My role was if there was any DCFS involvement, if there was anybody who was trying to do anything else. Basically to see if there was anything else that he needed protection against. 10252

Q. Was a potential DCFS investigation the only investigation you were concerned about at the time?
A. No, no, I was concerned about -- obviously at the same time that the documentary came out, at the time, there were people making all kinds of accusations about Michael, and specifically with one young man who was involved in that documentary, and I was supposed to look into that as well.
Q. And was his name “Gavin Arvizo”?
A. Yes.
Q. Okay. At some point, did you ever hear the name “Janet Arvizo”?
A. At the very -- probably before I heard the name “Gavin.”
Q. And how did you hear her name?
A. Initially there was a rundown of exactly what the situation was. And I couldn’t tell you exactly if it was Paul Hastings or if it was the English counterpart or the American counterpart or if it was David, but there was a rundown of the situation. I was told about the Arvizos. I was also told and the first thing that was done that had any urgency is there was a 60 Minutes taping that was scheduled, and they wanted me to be up there to make sure that Michael didn’t make any statements or questions weren’t asked that were inappropriate.
Q. And was this at Neverland? 10253

A. Yes.
Q. Did you see Janet Arvizo at Neverland on that day?
A. I remember seeing Gavin at Neverland that day. And then we were there for, I don't know, maybe 12 hours or so. And during that time there, I was getting downloaded with information as well from a number of people at the ranch itself.
Q. And what was your role as far as your representation of Mr. Jackson went on that occasion?
A. Well, that was really -- they just wanted me, I guess, as a backstop on the interview. And ultimately, after sitting there for about 12 hours, it was my decision, or I told them that, look, if I was going to be involved, I didn't want him doing the interview, and I pulled the plug on it.
Q. So ultimately that interview with 60 Minutes did not take place, correct?
A. On that occasion in February of 2003, it did not. I -- I said that it was not going to happen, and asked that they -- politely asked Mr. Bradley, and there was another producer, whose name I think was Radotsky, Michael Radotsky, who was there, told them that this was not going to happen.
Q. And you say you were at Neverland approximately 12 hours that day?
A. It seemed like it, yeah. 10254

Q. And did you see Ms. Janet Arvizo there the whole time?
A. Well, portions, is my memory. I remember -- I have vivid memories about Gavin Arvizo talking with Ed Bradley and Gavin Arvizo talking with Radotsky, which I think is his name, the producer, and then seeing what was going on there. And also hearing these stories that people were telling me, and trying to just take it in and sort out whatever it was.
Q. And was it your understanding that the Arvizos wanted to have a role in that 60 Minutes documentary?
A. I watched as --
MR. ZONEN: I'm going to object as to speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Referring only to your state of mind at the time, Mr. Geragos, did you have any knowledge one way or the other whether or not the Arvizos were supposed to be involved in the documentary?
MR. ZONEN: I object as irrelevant to this question.
THE COURT: You have to let him finish the question so I know what you're objecting to.
Q. BY MR. MESEREAU: Mr. Geragos, just directing my question to your state of mind at the 10255

time, did you have any understanding one way or the other whether or not Janet Arvizo and the children were supposed to appear in a 60 Minutes documentary?
MR. ZONEN: Objection to his state of mind as being irrelevant to this proceeding.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In your capacity as Mr. Jackson's attorney on that day, did you have any understanding as to why the Arvizos were at Neverland?
A. The -- I saw an interaction between Gavin Arvizo --
MR. ZONEN: I'm going to object to any vision of interaction as being irrelevant to this proceeding, and the question is irrelevant and lacking in foundation.
MR. MESEREAU: He's cutting off the witness, Your Honor, I object.
THE COURT: I think that question can be answered "yes" or "no," and we can go from there. Do you want the question read back?
THE WITNESS: God, I hate to say "no." Did I see -- did I see an interaction? Yes.
THE COURT: I'll have the question read back so you understand it.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. MESEREAU: What was your 10256

1 understanding?
2 MR. ZONEN: Objection; lack of foundation.
3 THE COURT: Sustained.
4 Q. BY MR. MESEREAU: As Mr. Jackson's attorney,
5 were you under any instructions to do anything with
6 the Arvizos at Neverland on that particular day?
7 MR. ZONEN: Objection; vague. Instruction
8 from whom?
9 THE COURT: Sustained.
10 Q. BY MR. MESEREAU: Did you talk to Janet
11 Arvizo that day?
12 A. Briefly, I believe. But -- I know that I
13 didn't talk to her. I watched her interact or
14 converse with Mr. Radotsky, who was the producer.
15 I believe Mr. Bradley.
16 Q. Did you see Ms. Arvizo talking to Mr.
17 Radotsky for any length of time that day?
18 A. I don't know if I would say a length of
19 time. I saw at least on two occasions, I think.
20 Q. And why were you at Neverland that day?
21 A. I was asked to come up by Mr. LeGrand
22 specifically to, I guess, monitor the interview.
23 Q. And were you under the impression, as you
24 arrived, that the Arvizos were going to be there?
25 A. Yes.
26 Q. Why?
27 A. It's what I was told.
28 Q. Is that by Mr. LeGrand? 10257

A. I believe it was.
Q. And were you told why they were going to be there?
A. I believe Mr. LeGrand told me that --
MR. ZONEN: That would be “yes” or “no,” Your Honor. I object to any answer beyond that.
THE COURT: Sustained.
“Yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And what was your understanding as to why they were going to be there?
MR. ZONEN: Objection. Hearsay; lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you give any advice to the Arvizos on that particular day?
A. No.
Q. Did you talk to Gavin Arvizo on that particular day?
A. No.
Q. Who else do you recall being at Neverland on that particular day, other than the people you’ve identified?
A. Dieter Weizner was there. I think a gentleman by the name of Jack Sussman from CBS was there. There was a woman which -- also with CBS with the last name of Simon, I think was there. There was another lawyer from my office with me. I 10258

can’t remember which lawyer it was. And there was a -- I don’t know, a cast of probably 30 or 40 people, production people, who were there as well.
Q. And what time did you arrive there that day?
A. I couldn’t tell you. It was light outside. But I don’t -- I would imagine late morning, early afternoon, but that’s just a guess.
Q. What time do you think you left?
A. Whatever, eight, ten, twelve hours after I arrived.
Q. When you left, do you know whether or not Janet Arvizo was still there?
A. I do not.
Q. Do you know whether or not Gavin Arvizo was still there?
A. I do not. Not as I sit here today.
Q. Did you hear Janet Arvizo say anything to Mr. Radotsky?
A. Not that I can remember as I sit here.
Q. Did you see Janet Arvizo talk to Ed Bradley of 60 Minutes?
A. I believe that I did.
Q. Did you hear what she said?
A. Not that I can remember.
Q. Okay. Did you see either Mr. Bradley or Mr. Radotsky talking to Gavin Arvizo?
A. Yes. I think Radotsky, with Mr. Bradley. I don’t know that he was actively participating, but I 10259

do believe Radotsky was talking.
Q. And approximately what date was this, Mr. Geragos?
A. I want to say February 7th, and I just -- I don't know if that was a Saturday. I don't believe it was a court day. So it was either a Saturday or a Sunday, but I'd just be guessing again.
Q. Have you seen the Bashir documentary at this point?
A. I have seen it. But not recently.
Q. No, had you seen it at this particular point in time?
A. No, I had not.
Q. Did you ever see Janet Arvizo again?
A. No, I don't believe that I have.
Q. Have you ever spoken to her on the phone?
A. No, I don't believe that I have.
Q. Okay. Following that visit to Neverland, you continued to represent Mr. Jackson, right?
A. That's correct.
Q. And what were the things you were doing as a lawyer for Mr. Jackson?
A. Well, one of the first things that I did after that was to get ahold of the -- a copy of the documentary by Mr. Bashir. I watched it. We were -- on these conference calls, they would talk about what the various allegations were against Michael. 10260

One of the first things I did is involve a private investigator. And I involved a private investigator and I had some associates in the firm do some database searching on various players involved.
Q. Now, was it your understanding at that point that Mr. Sneddon had started any investigation?
A. No. It was not my understanding that he had.
Q. Had you heard of any statements Mr. Sneddon had made anywhere about an investigation into Michael Jackson at that point?
A. In early February, no. The only thing that -- as I remember, in early February, that sticks out in my mind now as I sit here, was something about somebody complaining to DCFS.
Q. Now, you said you started your own investigation, right?
A. That's correct.
Q. And why did you do that?
A. I was -- the things that I was hearing about the Arvizos gave me great pause.
Q. What were you hearing?
MR. ZONEN: I'll object as hearsay and irrelevance and lack of foundation and vague as to time.
THE COURT: I'm going to overrule the objection and I'm going to allow the witness to

answer, but I'll caution the jury that at this
point, what he states that he heard about the family
is not offered for the truth of the matter asserted.
But it's offered to explain why he did certain
things thereafter.
Go ahead.
THE WITNESS: Thank you.
I had -- when I was up there, sitting up
there that day, somebody had told me a story about
Gavin being told to refer to Michael as "Daddy," and
that -- that Michael was uncomfortable with that;
that the person that was telling me was probably one
of the people who were -- it was either Weizner or
Konitzer or somebody, somebody who was up there, and
that that concerned him greatly.
That obviously gave me pause, and so in
response to that, I decided to run some database
searches on the Arvizos.
Q. BY MR. MESEREAU: Did you run those database
searches on the Arvizos?
A. I did.
Q. And what did you find?
A. The -- a lawsuit against J.C. Penney's
and -- a lawsuit against J.C. Penney's and then a
purported -- and then I had somebody, and I don't
know if it was in-office or not, take a look at the
file or do a little bit more due diligence on it.
Q. That was look at the J.C. Penney file? 10262

A. Correct.
Q. Okay. And why did you do that?
A. Well, I had a concern at that point that given what was going on, that somebody might use the situation to manipulate my client.
Q. And when you say “manipulate” your client, what do you mean?
A. It was not unknown to me that my client is frequently the target of litigation, so I -- and you’ve got a whirlwind of activity going around and you’ve got people making accusations. It occurs to me that I want to know if some of the players that are involved have a litigious history, so that’s why I ran the database search.
Q. Now, did you do the database search yourself or did you have an investigator do it?
A. That’s what I said before. I don’t know if it was inhouse or out. I can’t tell you, as I sit here, for sure, whether I had Brad do it, whether I had somebody just run it on either Lexis or West Law in the office, but somebody did it and came up with it.
Q. Who is Brad?
A. Brad Miller is the investigator who I hired to start to do an investigation on the Arvizos.
Q. And approximately when did you start your investigation into the Arvizos?
A. It would have been very shortly after 10263

leaving Neverland. So if that was the 7th or the 8th, it would have been within a couple of days.
Q. And when do you think you learned about the J.C. Penney lawsuit that had been filed by the Arvizos?
A. Within a couple of days.
Q. Okay. And what was your reaction to what you learned about that suit?
A. I was gravely concerned.
Q. Why?
A. I thought that given the situation, and I was also given information that they were attempting or that there were rumors that the family was attempting --
MR. ZONEN: I'm going to object to any reference to "rumors" or any information from an unnamed source as lacking in foundation, speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Was the investigation you did into the J.C. Penney lawsuit the first part of your investigation into the Arvizos?
A. Probably. I mean, to that extent that you run some kind of a database search, I suppose that was -- if it wasn't the first, it was in the top five.
Q. And was Mr. Miller involved in that search into the J.C. Penney lawsuit, to your knowledge? 10264

A. I would imagine that after I -- if he didn't find it, that I quickly brought it to his attention and he did do -- he probably would have -- he probably would have been the guy that I assigned to follow up on it. But I -- I don't know as I sit here.

Q. Is Mr. Miller a licensed private investigator in California?

A. He is.

Q. And had you worked with him before?

A. I had, on, I think, probably three or four occasions.

Q. Okay. And where was his office at the time?

A. You know, I believe at the time it was in Beverly Hills. But I can't -- that's only because I know it was in Beverly Hills at one time and it's no longer in Beverly Hills. I don't know in February of '03 if it still was in Beverly Hills. I couldn't tell you.

Q. Did the investigation into the Arvizos that you started continue?

A. Yes. I had him -- or I asked him to please find out where they were, and to document what they were doing, who they were meeting with, and whether or not they were either trying to sell a story to the tabloids, or meeting with lawyers, or anything even more grave than that, at least from my client's standpoint. 10265

Q. When you say “more grave than that,” what are you talking about?
A. Well, I -- I thought at that time that it was a problem that somebody could manipulate the situation. I don’t know -- I don’t want to run through a parade of horribles in my mind, but I thought that, given what the situation was, somebody could take advantage of it, and I was worried about that. And I -- so I decided I wanted to know, and I told Brad, “Tell me where they are, tell me what they’re doing, and tell me who they’re meeting with.”
Q. Were you concerned that the Arvizos might be planning to extort Michael Jackson?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
THE WITNESS: I was; I was concerned.
MR. ZONEN: There’s an objection.
THE COURT: Just a moment.
THE WITNESS: I’m sorry.
THE COURT: Next question.
Q. BY MR. MESEREAU: What else did you do to investigate the problem of the Arvizos possibly manipulating Michael Jackson?
A. Well, I -- besides have Brad do that, we investigate -- they were not the only -- they weren’t the sole focus, but for your -- to answer your question, I also told Brad I wanted him to go 10266

and take a statement and get a statement from them.
Q. And why did you want Brad Miller to get a statement from the Arvizos?
A. Because I found that -- in the past, at least, with other cases, that if somebody gives a statement right at the time, that it's much more difficult later for them to make up something and change the story, because you're locked into it. That's what the truth was, and that's why I wanted a statement.
Q. And in your experience, it's pretty typical for an investigator to try and get statements, correct?
MR. ZONEN: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: It's what investigators do. The reason you have the investigator take the statement and not the lawyer is so that the lawyer doesn't end up being like I am up here, on the witness stand.
Q. BY MR. MESEREAU: And to your knowledge, did Mr. Miller take a statement from the Arvizos?
A. Yes, Mr. Miller took a statement. I told him to identify himself. I told him to tell them that he was taking it for me, and I told him that I wanted him to ask questions.
Q. Okay. And did you ever actually see that 10267

statement?
A. Later I saw a transcript of it. But I don't know that I saw -- I think he downloaded it to me in essence saying, "This is what they said, this is what they said, this is what they said," in a telephone call is probably what he did.
Q. Was it your understanding, Mr. Geragos, that statement would be recorded?
A. I wanted a tape-recorded statement of them, detailing all of -- or as extensively as possible, and I wanted it done -- I probably told Brad something to the effect, "I want it done yesterday. I don't want to wait. Get it done."
Q. Did anything else go on in the investigation of the Arvizos?
A. Well, at the same time that that was happening, the -- there was a rebuttal video being made by a gentleman named Schaffel, who seemed to be running that end of things, and that rebuttal video involved the Arvizos as well.
So at one point I instructed Brad, "Go watch when that gets made and sit there, and don't leave until you get a copy of that videotape. Because I want a copy of the videotape. I don't want it to disappear into the ether."
Q. To your knowledge, did he do that?
A. I know that he went there. I don't know that we ever got a copy of the videotape. 10268

Q. Is there anything else you had Mr. Miller do to investigate the Arvizos?
A. I don't know. Off the top of my head, the things that I described is what I remember, as I sit here.
Q. Did you ever arrange to have the Arvizos put under surveillance?
A. I told him at one point I wanted to know where they were, what they were doing, who they were meeting with, and to report back to me.
Q. And as far as you know, putting people under surveillance is part of an investigation, and it's perfectly lawful, correct?
A. I have done it on more than one occasion. I know most lawyers do it with great frequency. I know D.A.s do it. And law enforcement does it.
Q. Okay. And do you know whether or not the Arvizos were actually put under surveillance at some point?
A. I do now, and I did then.
Q. Okay. To your knowledge, was anyone working with Mr. Miller in your investigation of the Arvizos?
A. I know now that they were. He may have told me that a gentleman by the same of Asaf did something for him on one occasion. I know now that he had somebody named Johnny working for him. And I didn't know that at the time. 10269

Q. Okay. And how long did your investigation of the Arvizos last, if you know?
A. If he started sometime after February 7th, it would have gone through probably the middle or end of March would be my guess.
Q. Okay. Now, you mentioned someone named Schaffel. Did you meet Marc Schaffel at some point?
A. No.
Q. Did you ever speak to him?
A. I've spoken to him on the phone.
Q. How often do you think you've spoken to him on the phone?
A. I couldn't tell you. Anytime that anything came up about this video that was being made, I was always told to talk to Schaffel.
Q. How many conversations do you think you had with Schaffel about the making of the video?
A. It would just be a guess. I have no idea.
Q. Okay.
A. I would say five to ten, probably. Maybe more.
Q. Now, was Schaffel typically involved in the conference calls you have described before?
A. Actually, no. He was not typically involved in the conference calls. In fact, at one point, David LeGrand and I had discussed excising Schaffel from the whole situation --
MR. ZONEN: I'm going to object to that 10270

portion as being nonresponsive to the question and hearsay.
THE COURT: Sustained.
MR. ZONEN: Motion to strike.
THE COURT: Strike it after, “Actually, no.”
Q. BY MR. MESEREAU: Did you and Mr. LeGrand have any discussions about Marc Schaffel?
A. Yes.
Q. How many do you think you had?
A. At least three.
Q. Okay. Did you have more discussions with Konitzer than you did Schaffel?
A. Clearly. Clearly.
Q. And why do you say that?
A. Ronald Konitzer was, from my perception, the person who was kind of the backstop or the person who was running things.
Q. And did you meet with him personally?
A. Yes.
Q. On how many occasions, do you think?
A. Probably at least three.
Q. Okay. Did you ever talk to a guy named Dieter Weizner?
A. During the time period of February and March of ‘03, only the time that I was at Neverland did I speak to Dieter, and it was for just a very brief period of time.
Q. Okay. 10271

A. I later -- in terms of time, I later talked to Dieter maybe a year after that more extensively. But February and March, no, I had very little contact with Dieter.
Q. Now, as part of your investigation into the Arvizos, you described the statement that Mr. Miller obtained, his attendance at the rebuttal video, and you say you learned about some surveillance that went on. Is there anything else that was part of that investigation that you remember?
A. Well, I remember a series of letters with a gentleman named Dickerman. And storage of Janet Arvizo's things in a storage unit. And I remember going back and forth with Mr. Dickerman as to where he wanted those items and the things that he was claiming.
Q. You mentioned Janet Arvizo's possessions being in a storage unit. How did that happen?
A. I -- I don't know, because I wasn't there. Everything I know was later related to me. If that's okay, I'll get into that. You don't have -- there's no objection.
Okay. It was later related to me by Brad that she was moving in with her boyfriend who was --
MR. ZONEN: I'm going to object as to hearsay. Nonresponsive to the question.
THE COURT: Okay. Sustained.
MR. ZONEN: Was that one sustained, Your

1 Honor?
2 THE COURT: Yes.
3 MR. ZONEN: Thank you.
4 THE COURT: He gave you the opening line, but
5 you were talking to counsel.
6 THE WITNESS: I tried to prompt you, Mr.
7 Zonen.
8 THE COURT: He was prompting you. Go ahead.
9 Q. BY MR. MESEREAU: Did you have anything to
10 do with the storage of Janet Arvizo's possessions?
11 A. I told Brad at one point, "If you're going
12 to do this, film it, so that you don't later get
13 accused of taking something."
14 Q. And did you have any understanding as to why
15 Brad was going to store that material?
16 A. I believe --
17 MR. ZONEN: I'll object as hearsay.
18 THE COURT: Overruled.
19 You may answer.
20 THE WITNESS: I believe it was because he
21 was trying to remain in the good graces to get
22 whatever information he could as to what they were
23 up to.
24 MR. ZONEN: I'm going to object as
25 speculative, move to strike.
26 THE COURT: I'll strike that.
27 Q. BY MR. MESEREAU: Was it your understanding
28 that Janet wanted Brad to store her possessions? 10273

MR. ZONEN: Objection. Leading and speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know why those possessions were stored?
MR. ZONEN: Objection; lack of foundation.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Did you ever at any point have any knowledge as to why those possessions were stored by Mr. Miller?
MR. ZONEN: I'll object beyond "yes" or "no."
THE WITNESS: Yes.
I'm sorry, I may have jumped the gun.
THE COURT: That's fine.
Go ahead. Next question.
Q. BY MR. MESEREAU: Why were they stored?
MR. ZONEN: Objection. Lack of foundation; hearsay.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Do you know why they were stored?
A. I believe they were stored --
MR. ZONEN: I'll object to anything beyond "yes" or "no."
THE WITNESS: Yes.
Q. BY MR. MESEREAU: How did you obtain your knowledge of how they were stored? 10274

A. Talking with Mr. Miller.
Q. Did he tell you why they were stored?
A. Yes.
Q. Did you give any instructions to him about storing that material?
A. I told him when he did the move --
MR. ZONEN: I'm going to object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were those possessions stored at your request?
A. No.
Q. Were they stored because Mr. Miller wanted to store them?
MR. ZONEN: Objection. Lack of foundation; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever see those possessions at any time?
A. No.
Q. Did you ever go to storage to see those possessions?
A. No.
Q. Now, you had some correspondence with Attorney Bill Dickerman about those possessions, right?
A. Yes.
Q. And what can you tell us about that?
A. That every time I'd get a letter it didn't 10275

seem to represent the phone conversation that we had.
Q. And did he start writing to you about wanting those possessions returned?
A. Yes.
Q. And do you know approximately when that happened?
A. I do not. It was sometime after -- it was sometime after February.
Q. And you were still representing Michael Jackson at the time, correct?
A. I represented Michael all the way through, I don't know, whatever -- February to whenever, December, I guess.
Q. Now, at some point, did you try to return those possessions to Mr. Dickerman?
A. Yes.
Q. And please explain what you did.
A. I directed -- when I first got the letter from Mr. Dickerman, I told somebody to fax it over to Brad, somebody in my office to fax it over to Brad. And at some point, then received another letter, and letters kept coming back and forth. And there would be phone calls. And I kept trying to get this stuff over there, suggesting that either they take over the storage unit, that they pay for the storage unit, that they do anything to get it out, so that we could get out of the situation. 10276

Q. Did you say that it was at your direction
that the move was videotaped?
A. I believe I'm the one who told Brad, "If
you're going to do this, you better videotape the
move." I believe that's what I told him. It was
almost those exact words.
Q. And did he ever tell you that Janet wanted
him to move that stuff?
A. Yes.
Q. When did he tell you that Janet wanted him
to move that stuff?
MR. ZONEN: I'm going to object as hearsay.
Move to strike.
THE COURT: Overruled. The question, though,
now, is, "When did she tell you" -- no. "When did
he tell you that Janet wanted him to move the
stuff?"
THE WITNESS: Probably in the same
conversation I said, "If you're going to do it, you
should videotape it."
Q. BY MR. MESEREAU: And to your knowledge, was
that material ever returned to Mr. Dickerman?
A. You know, I assume so. But I know that
there was one instance where I got so fed up with
what was going on, that I actually told --
MR. ZONEN: I'll object as nonresponsive.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know if that 10277

material was ever returned to Mr. Dickerman?
A. I know at one time I directed that it just be dumped into his law office so that he would take it, and the building wouldn't accept it.
Q. That was done at your request?
A. To return it? Yes. At all times I said, "Return the stuff."
Q. Okay. Do you know someone named Frank Tyson?
A. I've met Frank Tyson.
Q. And when did you first meet him?
A. Probably it would have been mid-February of 2003, would be a guess.
Q. Do you know approximately where you met him?
A. No. I can't tell you where I met him. I think he came to my office once with another guy whose name I can't remember. But I -- but I don't know if that was the first time I met him or not.
Q. Did you have much communication with Frank Tyson?
A. I talked to Frank occasionally.
Q. Would he typically call you?
A. Most always. I wasn't calling him.
Q. How many conversations do you think you had with him?
A. Well, if he would call me, I might call him back. But I don't know how many conversations. I don't know that it was a time. I think he was in 10278

communication with Brad more than he was with me.
Q. Okay. Now, at some point did your
investigation into the Arvizos terminate?
A. Yeah. I would say probably -- probably
about five or six weeks after it started.
Q. And did you reach any conclusions about the
Arvizos, based upon your investigation?
A. Yeah. They -- that Michael could have
nothing to do with them.
Q. Why is that?
A. I just felt like it was a pending disaster.
Q. And what do you mean by "pending disaster"?
A. I just was not comfortable with what I was
finding out, what I was hearing. I just wasn't
comfortable with that.
Q. What were you finding out?
A. Well, I --
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you ever concerned
that the Arvizos were going to try to extort Michael
Jackson?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were the results of your
investigation negative or positive when it came to
the Arvizos?
A. Negative. 10279

MR. ZONEN: Objection; vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did you conclude?
A. I concluded that they -- that they should --
MR. ZONEN: Objection; calls for a conclusion.
THE COURT: You should have said “asked and answered.”
He’s already discussed that. Move on.
Q. BY MR. MESEREAU: Okay. As Mr. Jackson’s lawyer at that point in time, did you think it was in his interest to be involved with the Arvizos?
A. I --
MR. ZONEN: Objection; asked and answered.
MR. MESEREAU: No, it wasn’t.
THE COURT: It is. Next question.
MR. MESEREAU: Okay.
THE COURT: Sustained.
MR. MESEREAU: All right.
Q. Did you ever hear anything about the Arvizos taking a trip to Brazil?
MR. ZONEN: Your Honor, I’m going to object as to hearsay. And vague, “hear anything about.”
BAILIFF CORTEZ: Your microphone’s off again, sir.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn whether or not the Arvizos were planning to take a trip to 10280

Brazil?
A. I learned later that there were --
MR. ZONEN: I will object to anything beyond
“yes” or “no” as nonresponsive.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: What did you learn?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you have anything to
do with any planned trip to Brazil involving the
Arvizos?
A. No.
Q. Did you ever learn if anyone did?
A. I learned that someone --
MR. ZONEN: Objection beyond “yes” or “no.”
THE WITNESS: Yes.
Q. BY MR. MESEREAU: What did you learn?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn that
the Arvizos were traveling to any federal buildings
to obtain passports or visas for a trip to Brazil?
MR. ZONEN: Objection; beyond the scope.
Objection; lack of foundation and leading.
THE COURT: Sustained on leading.
Sustained.
MR. MESEREAU: Okay.
Q. During the time you represented Michael 10281

Jackson, did you ever do anything involving a potential trip to Brazil with the Arvizos?
A. I didn't do anything involving a potential trip to Brazil with the Arvizos.
Q. Did you ever learn anything about such a trip?
A. I did, yes.
Q. When did you learn that?
A. Sometime after Michael was arrested.
Q. Okay. And at some point, did you ever have possession of passports of the Arvizos?
A. Yes.
Q. And could you explain that?
A. The passport -- when I was going through all of the materials that we had in our office in order to itemize them for you, in turning over all the files, the passports were located in a locked file cabinet where we kept a lot of Michael's files. I then directed one of the lawyers in my office to file the passports with the Court so that I did not give them to you, so that you wouldn't be in a position where you would have to testify as to them.
Q. And did you, in fact, turn them in to this Court?
A. I directed one of the lawyers in my office to bring them to the Court and file them with the Court as a court's exhibit. 10282

Q. Okay. Is that the last you saw of them?
A. Yes.
Q. Okay. Were you involved in any business matters related to Mr. Jackson during the first three months of 2003?
A. There probably were times when Mr. Konitzer would ask about certain projects. And then if it was something somebody in the office, one of the other lawyers, could deal with, I would refer him to one of the other lawyers. So, yes, I would say that there were some occasions.
Q. And what kind of projects are you referring to?
A. My understanding of what Mr. Konitzer's relationship was with Mr. Jackson was that he was helping to promote, I don't know, technological applications of various things. And it was usually surrounding those kind of items and usually it was beyond our expertise. So usually I would tell him -- refer him over to somebody else or to some other lawyer. But he would come and seek advice on those things.
Q. Was any of this business-related legal work done in your office?
A. Some could have been. I mean, there could have been -- I could have sent -- probably my brother Matthew would have done some work in connection with various things that they were asking 10283

about. Loan refinancing, things of that nature. There was also a marketing idea that they were doing or they wanted to pursue.
Q. And were you having discussions with Mr. LeGrand about Mr. Jackson's business matters?
A. Mr. LeGrand would bring up those issues, but it was really -- that was really Mr. LeGrand's area of -- I guess his purview, so to speak. That was really what his niche was. He's what's called a transactional lawyer who deals with corporate matters, and that was really his expertise.
Q. In the discussions you had with Konitzer and Weizner about Mr. Jackson's business affairs, do you recall Mr. Jackson ever participating?
MR. ZONEN: Objection. Lack of foundation; assumes facts not in evidence as to those conversations.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was my understanding that there was -- in fact, it was more than an understanding because I believe that my retainer initially was signed on a power of attorney that --
MR. ZONEN: I'll object as nonresponsive to the question.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you have any discussions with Mr. Konitzer about Mr. Jackson's 10284

business affairs?
A. To the extent that Mr. Konitzer represented to me that he was running the business affairs.
Q. Is that what he told you?
A. Yes.
Q. Did you have any discussions with Mr. Weizner about Mr. Jackson's business affairs?
A. Not in 2003, in February or March. Like I said, the only contact I really had with Dieter was that first time I saw him briefly, discussed it briefly. But I didn't really have that much contact with him. I really talked mostly with Ronald.
Q. And when you were retained, you had a retainer agreement signed, correct?
A. That's correct.
Q. And that's your normal practice as a lawyer, right?
A. And the State Bar rules generally encourage that, if not require anything that's going to involve a certain amount of money.
Q. And a retainer agreement basically sets out the terms and conditions under which you'll represent a client as a lawyer, right?
A. Right.
Q. Who signed your retainer agreement?
A. I believe that it was signed by Konitzer and Weizner on a power of attorney, which I also was provided, that was signed by Mr. Jackson. 10285

Q. Okay. Did you ever see Konitzer sign any other documents on behalf of Mr. Jackson while you were representing Mr. Jackson?
A. Not that I can pinpoint. I mean, I -- no, not that I can think of right now.
Q. And did the power of attorney that you saw appear to give Mr. Konitzer the ability to sign documents for Mr. Jackson?
A. It did -- my understanding of it was that it did.
Q. And do you recall at any point in time when that power of attorney was revoked?
MR. ZONEN: I'll object to lack of foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe the power of attorney was revoked about the time that David LeGrand got fired. But that's just my memory as I'm sitting here. I don't have anything to pin that on.
Q. BY MR. MESEREAU: And I believe you said, Mr. Geragos, that you were under the impression that Konitzer was trying to take over Mr. Jackson's business affairs?
A. It was my perception of Mr. Konitzer that he was the one who was running the business affairs in terms of hands on, and that Mr. LeGrand was the lawyer that was doing the corporate transactional 10286

work.
Q. And based on your involvement in discussions about Mr. Jackson's business, did it appear to you that Mr. Jackson wasn't involved much at all?
MR. ZONEN: Objection; leading.
THE COURT: Sustained.
MR. ZONEN: Objection; speculative as well.
THE COURT: Leading; sustained.
Q. BY MR. MESEREAU: Did you ever meet Mr. LeGrand in Las Vegas?
A. I met Mr. LeGrand at Neverland. And I met Mr. LeGrand at another -- at Paul Hastings, I believe, downtown L.A. As I sit here, I don't remember Las Vegas. If you've got something to refresh my memory, maybe, but I don't recall that as I sit here.
Q. Now, obviously, having represented Mr. Jackson, you're aware of what the charges are in this case, right?
A. I am.
Q. And you're aware that the prosecutors are claiming there was a conspiracy to commit various crimes on the Arvizos, right?
MR. ZONEN: Objection; leading.
THE COURT: Overruled.
THE WITNESS: I am aware of that.
Q. BY MR. MESEREAU: Were you ever part of any conspiracy to abduct the Arvizo children? 10287

A. No.
Q. Were you part of any conspiracy to extort anything from the Arvizos?
A. Absolutely not.
Q. Were you ever part of any conspiracy to commit any crime against the Arvizos?
A. Absolutely not. I was trying to prevent a crime against my client.
Q. And what crime was that?
A. I thought that they were going to shake him down.
MR. MESEREAU: I have no further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Mr. Geragos, good afternoon.
A. Good afternoon, Mr. Zonen.
Q. Now, you were retained to represent Mr. Jackson in the early part of February; is that correct?
A. That's correct.
Q. Could that have been the latter part of January?
A. I don't think so. But, I mean, if -- I don't want to quibble with you for a couple of days. I've always thought it was -- I've always thought it was February 4th and that I went to Neverland on the 10288

7th. I don't know why, that just sticks in my head.
Q. Now, prior to your being retained, were you familiar or did you know about the documentary "Living with Michael Jackson"?
A. I don't -- I don't know.
Q. At the time that you were retained, did you know about the documentary "Living with Michael Jackson"?
A. At the time that the retainer agreement was signed, yes.
Q. At the time that you were first contacted by somebody --
A. I was going to say --
Q. -- for Michael Jackson's organization about your representing Mr. Jackson, did you know about the documentary "Living with Michael Jackson"?
A. Probably not.
Q. Who was the first person to call you about your representing Mr. Jackson?
A. I think it was a lawyer from Paul Hastings, the same guy I said I've got a mental block on the name, who said that one of his partners was an ex-U.S. Attorney who had a case with me and wanted to know if I was interested in it.
Q. All right.
A. I just don't remember. I just don't remember the name. And it was -- it could have been -- could he have called me in late January? I 10289

suppose he could have. I just don't remember.
Q. Do you know if that was before the screening of the documentary "Living with Michael Jackson"?
A. I have no idea.
Q. Do you know when "Living with Michael Jackson" was screened?
A. No.
Q. Either in the United States or in England?
A. No.
Q. Do you know -- did you know the content of the documentary "Living with Michael Jackson"?
A. At what time?
Q. At the time that it was aired in the United States.
A. Well, you'd have to tell me when it was aired and then I'd tell you.
Q. I guess you didn't see it, then; is that correct?
A. Well, no, I saw it. But I didn't watch it when it was aired. I --
Q. All right. When you were contacted by somebody --
MR. MESEREAU: Objection, Your Honor. He's cutting off the witness.
Q. BY MR. ZONEN: Was your answer completed?
A. All I was going to say is, I remember watching it for the first time when somebody sent it -- I asked that they send me a copy of the 10290

videotape. I was aware of it before I watched it the first time because it was probably a subject of one of these conference calls.
Q. And -- all right. Now, when is the first time you spoke with your client, Mr. Jackson?
A. Would have been probably that day at Neverland.
Q. There's no question that your client was Michael Jackson; is that right?
A. My client was Michael Jackson.
Q. It was not Ronald Konitzer?
A. No.
Q. It was not Dieter Weizner?
A. Right.
Q. It was not Marc Schaffel?
A. That's correct.
Q. Nor was it Vinnie or Frank?
A. Clearly it was not.
Q. And at all times you understood that you represented Michael Jackson alone?
A. I did.
Q. You did not represent the enterprise Neverland Valley Entertainment?
A. I did not.
Q. Did not represent any of Michael Jackson's corporate interests?
A. I did not.
Q. And you represented Michael Jackson for 10291

purposes of assuring that he avoided criminal liability and liability with regards to custody of his children; is that correct?
A. That's correct.
Q. Your concern was that his children might be taken away from him?
A. That was one of my concerns.
Q. Your concern was that he might be prosecuted for some criminal matter?
A. I think initially my concern was -- were the children and any allegation of the fitness of him as a parent, because that was a subject of a lot of the media firestorm surrounding him at that point.
Q. Was that because of his allegedly dangling his youngest child over a second-story balcony in a hotel in Germany?
A. I think that that's what started some of that, but then the -- there was -- with the documentary, there was the same usual suspects hurling allegations at him about his fitness once the documentary came out.
Q. All right. But are we talking about simply neglect of his own children, or are we talking about his relationship with other children?
MR. MESEREAU: Objection. Misstates the evidence; lack of foundation; leading.
THE COURT: Overruled.
THE WITNESS: I was concerned about his 10292

children and his maintaining his relationship with his children.
Q. BY MR. ZONEN: But the issues that you were dealing with as a consequence of that documentary, "Living with Michael Jackson," had to do with how he interacted with his own children, correct?
A. The issues dealt with the fact that there were people who were calling for DCFS to take the children out of the house --
Q. All right.
A. -- and to conduct an investigation. That was what -- that was what was the overriding concern initially.
Q. At some point in time, you had an opportunity to either read the transcript of that documentary, "Living with Michael Jackson," or view it; is that correct?
A. I viewed it. I didn't read the transcript.
Q. Did you view it before you arrived at Neverland?
A. I couldn't tell you, as I sit here, whether I did it before or after. It was sometime within a very close period of time.
Q. At the time that you were at Neverland, you saw Ed Bradley there; is that right?
A. That's right.
Q. Ed Bradley is somebody you recognized as being one of the commentators from 60 Minutes; is 10293

1 that right?
2 A. That's right.
3 Q. You also saw an entire film crew from 60
4 Minutes?
5 A. That's right.
6 Q. 60 Minutes you were familiar with. You had
7 seen it in the past; is that right?
8 A. That's right.
9 Q. You were a little concerned about Michael
10 Jackson appearing on 60 Minutes; is that right?
11 A. Yes.
12 Q. Had you had a conversation with Michael
13 Jackson prior to your arrival at Neverland on that
14 date?
15 A. No.
16 Q. Do you know if that date was the 7th of
17 February?
18 A. I think I stated before that that date
19 sticks in my mind. If that is a Saturday, that
20 would be my guess. My best guess.
21 I believe that when you executed the -- or
22 the officers executed the search warrant, they took
23 some gate logs also. I don't know if the gate logs
24 are accurate, but I later saw where I signed it on
25 the day that I got there.
26 Q. Did you have a conversation with Mr. Jackson
27 on the 7th?
28 A. Yes. 10294

Q. All right. Did you have a sense of the content of the documentary “Living with Michael Jackson”?
A. At that point, I was more concerned with what -- the fact that he was going to sit down with 60 Minutes and what the content of that was going to be.
I spent most of my time talking with and trying to weasel out the information from the producers as to what was going to be the ground rules, which they said there were none. But the content, where they were headed, what they were trying to do, that was my concern.
Q. Did you ask any questions of Michael Jackson about whether he had been sleeping with boys during your conversation with him on the 7th of February at Neverland?
A. No, I did --
MR. MESEREAU: Objection. Leading; lack of foundation.
THE COURT: Overruled.
THE WITNESS: No, I did not start questioning him about whether he was sleeping with boys when I was up there.
Q. BY MR. ZONEN: Did you know, at the time that you were at Neverland on the 7th of February, assuming that is the date, that the issue of him sleeping with boys was, in fact, an issue that had 10295

been raised in this documentary?
A. I think that I did know that. I don't know whether it was through the documentary or whether it was from the download of information. I think I probably had that information.
Q. Did you understand, at the time that you were at Neverland on the 7th of February, that Gavin Arvizo was one of the children it was believed that Mr. Jackson was sleeping with?
A. I don't know that -- when you say one of the children that he was sleeping with, I'm not clear on what you're -- what you're implying there.
I knew that Gavin Arvizo, when I was up there, was somebody who was reputed to be in the documentary. But I don't know that anybody said, "Hey, Michael Jackson is sleeping with Gavin Arvizo." I don't think that that happened.
And I certainly -- as I sit here today, I don't know if Gavin Arvizo says in the documentary, "Yeah, I was sleeping with Michael Jackson."
MR. ZONEN: I'll object as nonresponsive as to what he knows today. The question dealt with on the 7th of February. And move to strike.
THE COURT: All right. I'll strike from -- well, actually, I won't. He actually says as he sits here today, he can't remember what he knew then, so the objection is overruled.
Q. BY MR. ZONEN: All right. But on the 7th of 10296

February of 2003, you were aware that one of the issues that you were dealing with, as his lawyer, was the issue of whether or not he had been sleeping with a succession of different boys over the last number of years?
MR. MESEREAU: Objection. No foundation and misstates the evidence.
THE COURT: I'll sustain the objection.
Q. BY MR. ZONEN: Did you understand that Mr. Jackson, in the interview with Mr. Bashir, said, "I slept with all of them," in reference to a number or succession of boys?
A. On February --
MR. MESEREAU: Objection. Foundation; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: On February 7th, I don't believe -- I know you asked this. I just don't believe that I can tell you whether I had seen the documentary. I probably had not until after I got back from Neverland is my best guess. So, no, my guess is, as I sit here, but I'm not 100 percent sure of that.
Q. BY MR. ZONEN: Did you have a conversation with Michael Jackson about Michael Jackson doing a press conference in Florida?
A. No.

Q. Did you know that Michael Jackson had been scheduled to do a press conference in Florida?
A. On what date?
Q. The 7th of February.
A. On the 7th of February. No, I did not know that.
Q. Did you know that Michael Jackson had brought the Arvizo family to Florida to do a press conference?
A. On February 7th, I did not know that.
Q. Did you know, on the 7th of February, that Janet Arvizo had never had a conversation with Michael Jackson other than a brief conversation back in the year 2000?
MR. MESEREAU: Objection. Misstates the evidence; foundation.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
A. On February 7th, I can't tell you what Janet Arvizo did with Michael Jackson. The only thing that I can tell you is I saw the Arvizos interacting with --
Q. BY MR. ZONEN: My question was whether you knew about any conversations between --
A. No.
MR. MESEREAU: Objection. He cut off the witness again, Your Honor. 10298

MR. ZONEN: It's nonresponsive, I'll object.
MR. MESEREAU: Move to admonish counsel not to cut off the witness.
THE COURT: I'll strike after the sentence, "The only thing that I can tell you...." From there on, I'll strike that. Next question.
Q. BY MR. ZONEN: Mr. Geragos, did you have a conversation with any employee of Michael Jackson or representative of Michael Jackson directing them to have the Arvizos brought to Florida?
A. No.
Q. Did you have a conversation with Michael Jackson or any representative of Michael Jackson directing that the Arvizos be brought from Florida to Neverland?
A. No.
Q. Did you know that they were being brought from Florida to Neverland?
A. On February 7th? No.
MR. MESEREAU: Objection. That misstates the evidence. Foundation. They weren't being brought anywhere.
THE COURT: I'm going to sustain the objection as vague.
Q. BY MR. ZONEN: Were you aware that the Arvizo family was flown from Florida to Santa Barbara County and then driven to Neverland?
A. On February 7th? 10299

1 Q. Prior to, just prior to February 7th.
2 A. I'm asking you. Do you mean did I know that
3 on February 7th?
4 Q. On February 7th did you know that?
5 A. No.
6 Q. Did you make any inquiry as to what that
7 family was doing there?
8 A. Later.
9 Q. When later?
10 A. Probably middle February.
11 Q. Two weeks later? A week later?
12 A. No, by middle February would have been about
13 a week later.
14 Q. On the 7th of February, did you recommend to
15 your client, Mr. Jackson, that the family, the
16 Arvizo family, be taken home immediately?
17 A. No.
18 Q. A week later, did you tell Mr. Jackson that
19 the Arvizo family should be taken home immediately?
20 A. No.
21 Q. At any time during the month of February,
22 did you tell Mr. Jackson that the Arvizo family
23 should be taken home immediately?
24 A. No, I did not.
25 Q. Did you have any conversation with Mr.
26 Jackson at any time on the 7th of February about the
27 Arvizo family being there on his property?
28 A. To the extent that this, "He's calling me 10300

1 daddy," or, "Janet's encouraging him to call me
2 'daddy'" story was told to me.
3 Q. Did you talk with Mr. Jackson at any time on
4 the 7th of February about the Arvizo family leaving
5 Neverland?
6 A. No.
7 Q. Did you talk with Mr. Jackson at any time on
8 the 7th of February about whether or not Gavin was
9 staying in his bedroom?
10 A. No. Not on the 7th.
11 Q. Did you know on the 7th of February that
12 there was an issue dealing with boys staying in his
13 bedroom --
14 MR. MESEREAU: Objection.
15 Q. BY MR. ZONEN: -- that had become quite
16 public?
17 MR. MESEREAU: Objection. Misstates the
18 evidence; argumentative.
19 THE COURT: Overruled.
20 MR. MESEREAU: And foundation.
21 THE COURT: Overruled.
22 You may answer.
23 Q. BY MR. ZONEN: Go ahead.
24 THE COURT: Do you want the question read
25 back?
26 THE WITNESS: No.
27 I just don't know what you mean by "an
28 issue." That it was in the public domain? Yes. I 10301

knew it was in the public domain.
Q. BY MR. ZONEN: And did you discuss it with
Mr. Jackson?
A. No.
Q. As his attorney and hopeful of avoiding any
criminal liability on his behalf, did you tell Mr.
Jackson on the 7th of February that he ought to
refrain from having young boys come into his
bedroom?
A. No. I didn't give him, as I told you, any
advice right then and there. I was -- the first
time I met him, I was trying to do an investigation.
I was also trying to stop the 60 Minutes interview,
once I got a sense that it was not going to be a
warm and fuzzy piece.
Q. All right. You've seen 60 Minutes before,
haven't you?
A. If it's Morley Safer, you tend to get a
different piece than if it's Ed Bradley or Mike
Wallace.
Q. So even without knowing the issues, as soon
as you saw it was Ed Bradley, you assumed it
wouldn't be warm or fuzzy, right?
A. I've watched Ed Bradley do some pieces that
weren't exactly hard-hitting.
Q. Now, at any time within the next seven days
after the 7th, the next week after the 7th, did you
ever tell Mr. Jackson that he would be well-served 10302

by keeping young boys out of his bedroom?
A. I don't know that I talked directly to him that following week. The only conversations that I had for the next six weeks were usually over the phone and fairly brief.
Q. With Mr. Jackson?
A. If he was on the phone, briefly. But they weren't extensive.
Q. All right. Do you know if you had any conversations with Mr. Jackson over the next seven days over the telephone?
A. I couldn't tell you. I don't think so.
Q. Do you know if you had any conversations with Mr. Jackson over the next 14 days?
A. Probably one.
Q. Just one conversation?
A. Probably one.
Q. Can I assume that that conversation did address the issue of whether or not boys were still sleeping in his bedroom?
MR. MESEREAU: Objection. Foundation; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: No, I don't think that the discussion revolved around whether boys sleep in his bedroom.
Q. BY MR. ZONEN: Can I assume within the next 10303

14 days after the 7th, in other words, up to the
21st of February, that you had by this point seen,
personally viewed, the documentary “Living with
Michael Jackson,” the Martin Bashir documentary?
A. Yes.
Q. And you had seen at that point Mr. Jackson’s
admission to sleeping with boys; is that right?
A. Well, when you say “admission to sleeping
with boys,” what are you saying? The statement that
boys will stay in his room?
Q. Yes.
A. Okay. Are you implying that’s necessarily
something sexual?
Q. I don’t believe it’s appropriate for me to
be answering questions, Mr. Geragos. Let’s go back
to the question again.
A. I’m confused as to when you say “sleeping,”
“boys sleeping in his room,” I didn’t -- I didn’t
think -- my concern was, Mr. Zonen --
MR. ZONEN: I’m going to object as
nonresponsive.
THE WITNESS: I was trying to answer it.
MR. MESEREAU: Cutting off the witness, Your
Honor. Objection.
THE COURT: Okay. Everyone, we’re going to
have a time-out.
MR. ZONEN: Next question?
THE COURT: No. I want you to drop down 10304

about two degrees and.... I ride horses, and we
wait for the head to relax.
Go ahead. Relax a minute.
All right.
MR. ZONEN: Thank you.
Q. Mr. Geragos, when you watched that film, you
did see the portion where Mr. Jackson refers to
sleeping with boys; is that right?
A. Mr. Zonen, as I sit here today, I don't
remember seeing in that documentary - I'll take your
word for it - that he said, "sleeping with boys."
The one thing that I drew from seeing
Michael Jackson on February 7th and seeing the kids
there was a gentleman who, to my mind, was almost
childlike in his love for kids. I didn't see
anything nefarious. I didn't see anything that
struck me as potentially criminal. But I did see
somebody who appeared to me to be ripe as a target.
And so I took action that I thought was to protect
him.
MR. ZONEN: I'm going to object as
nonresponsive.
THE COURT: Sustained.
MR. ZONEN: Move to strike the last part of
the answer.
THE COURT: I'll strike after, "I don't
remember seeing in that documentary...."
Q. BY MR. ZONEN: Mr. Geragos, do you recall 10305

1 the documentary where he said he slept with Macaulay
2 Culkin?
3 A. No. As I sit here, I don't remember him --
4 I wasn't fixated on whether or not he slept with
5 Macaulay Culkin. I really -- that was not a concern
6 of mine.
7 Q. Do you recall him saying he shared a bed
8 with boys?
9 A. I know that he has said that since then. I
10 know -- I've sat next to him, or in the same room
11 when he said that, so I know that; that I know that
12 he said that.
13 Q. Do you recall seeing the portion of the
14 documentary where he's sitting next to Gavin Arvizo?
15 A. That I have a vivid memory of.
16 Q. And in that portion of that documentary,
17 he's holding Gavin Arvizo's hand?
18 A. I have a vivid memory of that.
19 Q. And Gavin Arvizo is resting his head on Mr.
20 Jackson's shoulder?
21 A. Right.
22 Q. Gavin Arvizo shared a room with Mr. Jackson;
23 is that correct?
24 A. I -- you're telling me --
25 MR. MESEREAU: Objection; argumentative.
26 THE COURT: Overruled.
27 You may answer. Do you want the question
28 read back? 10306

THE WITNESS: No.
If what you're telling is Gavin Arvizo spent
the night in his room --
Q. BY MR. ZONEN: Were you aware of that?
A. I know that that's one of the things that's
been claimed, yes.
Q. Did you ever ask Mr. Jackson if that was
true, that Gavin Arvizo shared his bed or spent the
night in his room?
A. I think we discussed that.
Q. What did he tell you?
A. That nothing happened.
Q. No, I didn't ask you that. What did he tell
you about whether or not he shared his room or his
bed?
A. What he has consistently said the entire
time that I represented him, which is that he didn't
do anything; that there was nothing untoward; that
there was nothing sexual; and that if somebody
spends the night in his room, that that was just an
act of unconditional love. That it wasn't anything
that you're getting in here and --
MR. ZONEN: I'm going to move to strike as
nonresponsive.
MR. MESEREAU: Objection. He cut off the
witness.
THE COURT: You did cut him off. Your
question called for the answer he's giving, so -- 10307

MR. MESEREAU: May he continue to give his answer, Your Honor?
THE COURT: Yes, he may.
THE WITNESS: The problem was, Mr. Zonen, as I saw it, when people say he's sleeping with somebody in his room, the jump is, with a lot of people, that that is something that is awful, that is something that is really, really bad because it must be sexual.
THE COURT: Just a minute. You're lecturing the jury. Let's back up. I'll strike that. Do you want to go back to the question again?
MR. ZONEN: I'd like to ask a new one.
Q. Mr. Geragos, did you ask Mr. Jackson specifically if Gavin Arvizo had ever spent the night in his room?
MR. MESEREAU: Objection. Beyond the scope and foundation.
THE COURT: Overruled.
THE WITNESS: Yes. And he said nothing ever happened.
Q. BY MR. ZONEN: Did he tell you that Gavin Arvizo had spent the night in his room?
A. He said he may have spent the night in the room, like a lot of the other boys did, and nothing happened.
Q. Did he tell you how many nights Gavin Arvizo spent in his room while he was there? 10308

A. No. I didn't ask him.
Q. Did he tell you whether or not Gavin Arvizo specifically shared a bed with him?
A. I didn't ask him about sharing a bed. I asked him in the room, I asked him if anything happened. His answer was, "No."
Based on my observations --
MR. ZONEN: I'm going to object as nonresponsive.
MR. MESEREAU: Objection. He cut off the witness.
MR. ZONEN: Maybe we better resolve this, I think.
THE COURT: Just a moment.
The ruling is that, "Based on my observations...," that will be stricken. Next question.
Q. BY MR. ZONEN: Now, you never asked him at any time whether or not he shared a bed with Gavin Arvizo?
A. I may have later on, after the arrest. I assumed we were still talking sometime in February --
Q. Yes.
A. -- of '03.
Q. Yes.
A. February of '03, no. After the arrest, yes.
Q. All right. Now, during the next two weeks, 10309

1 did you have any other conversations with Michael
2 Jackson about Gavin Arvizo?
3 A. Other than the ones we've talked about, no.
4 Probably not.
5 Q. Did you ever tell Michael Jackson that the
6 Arvizo family should be taken home as soon as
7 possible?
8 A. In February of '03, no.
9 Q. Did you come to learn that the Arvizo family
10 was spending a great deal of time at Neverland
11 during the month of February?
12 A. No, I came to learn that Janet Arvizo was
13 making accusations about Dieter.
14 MR. ZONEN: I'll object as nonresponsive.
15 THE COURT: Sustained. Stricken.
16 Q. BY MR. ZONEN: Mr. Geragos, did you come to
17 learn that the Arvizo family was spending a great
18 deal of time at Neverland during the month of
19 February?
20 A. Did I learn that in February?
21 Q. In February.
22 A. Probably, yes.
23 Q. All right. Did you immediately call Mr.
24 Jackson and tell him that the Arvizo family should
25 be taken back to their home in East Los Angeles?
26 A. No. I think I told him that in March, or
27 told Ronald that in March; that they should -- they
28 should cut ties. 10310

Q. All right. Now, at some point in time, you directed that your investigator have an interview with the Arvizo family?
A. That's correct.
Q. And I think you said, "Do it yesterday," right?
A. He said, "When do you want it done?" And I said, "Like yesterday."
Q. As quickly as he can possibly do it?
A. That's correct.
Q. This is Brad Miller?
A. Yes.
Q. Brad Miller has been your investigator for some number of years; is that correct?
A. I think at that time Brad Miller I had used on three or four other cases. I've used him on a number since.
Q. Did you tell Brad Miller to tape-record that interview?
A. I believe I told him to tape-record the interview, that I wanted a taped statement by the Arvizos.
Q. Did you tell him to turn off the tape-recorder and not to record certain pieces of information?
A. Absolutely not.
Q. Did you ever listen to that tape?
A. Yes. 10311

Q. All right. It is true, is it not, that when he asked the question about whether or not Gavin slept in the same bed with Michael Jackson, Gavin did not answer the question and Brad Miller then turned off the tape-recorder?

MR. MESEREAU: Objection. Misstates the evidence; no foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: I'm not so sure that that's what happened.

Q. BY MR. ZONEN: What is your recollection of hearing that tape-recording?

A. It appears to me, in listening to that tape, that the tape was turned on, off, at least two or three times. And I can't tell you as I sit here what the question was before each one. But the tape is taped and is turned off and then turned on, so I'd agree with you as to that extent.

Q. Did you ask Brad Miller if he specifically turned off the tape-recorder about the time that he asked the question of whether or not Gavin was sleeping with Michael Jackson?

A. I -- you bet I did.

Q. You're aware that other children have accused Michael Jackson of molesting them. You're aware of that?

A. Yes. 10312

MR. MESEREAU: Objection. Foundation;
argumentative; Court ruling; move to admonish
counsel.
THE COURT: Just a moment.
The objection is overruled. The answer is,
"Yes."
Q. BY MR. ZONEN: All right. You're aware that
back in 1993, there were -- there was one lawsuit
that was filed against Michael Jackson that was
settled on behalf of a child named Jordan Chandler?
MR. MESEREAU: Objection; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: All right. You're aware that
there was another incident of a resolution of a
claim against Michael Jackson involving a child by
the name of Jason Francia?
A. No. Not at -- if you're talking February
and March of '03, no.
Q. You didn't learn that until some later time?
A. Right.
Q. All right. But at the time that you were
meeting with Mr. Jackson on the 7th, you were aware
of the incident involving Jordie Chandler; is that
correct?
A. I knew --
MR. MESEREAU: Objection; asked and 10313

1 answered.
2 THE COURT: Sustained.
3 MR. ZONEN: I don't believe the last time I
4 said in February. I may stand corrected if I'm
5 wrong.
6 THE COURT: Well, that could be. I'll allow
7 the question with that understanding.
8 MR. ZONEN: All right.
9 Q. Was that, in fact, something you knew about
10 on the 7th of February?
11 A. I think so, yes.
12 Q. All right. Did you ask Mr. Jackson about
13 that allegation?
14 MR. MESEREAU: Objection. Foundation;
15 beyond the scope.
16 THE COURT: Overruled.
17 THE WITNESS: No.
18 Q. BY MR. ZONEN: Were you concerned when you
19 saw Gavin Arvizo there, a child of the same age as
20 Jordie Chandler?
21 A. I don't know that I knew that Gavin Arvizo
22 was the same age as Jordie Chandler. I suppose,
23 obviously, at one point they were the same age, but
24 I don't know that that was something that ever went
25 through my mind.
26 Q. Were you concerned about the presence of
27 this child at Neverland?
28 A. Well, I was concerned about accusations that 10314

were being made, yes.
Q. Accusations by whom?
A. The -- at the time, in February of '03, there was a swirl of publicity, and there were accusations that were being made by numerous people that his children should be taken out of the home.
THE COURT: Just a moment.
Let's take a break.
(Recess taken.)
THE COURT: Counsel?
MR. ZONEN: Thank you.
Q. Mr. Geragos --
THE BAILIFF: Oh, your microphone.
Q. BY MR. ZONEN: Mr. Geragos, did you keep copies of notes of conversations with Mr. Jackson?
A. No.
Q. Did you make any notes of your conversations with Mr. Jackson?
A. Probably not.
Q. You didn't make any notes at all of any of your --
A. Probably not. I generally don't do that with my clients. I generally just talk to them.
Q. Did you make notes of any of your conversations with any of the other individuals who were working for Mr. Jackson at the time?
A. I don't think so.
Q. You made no notes of any conversation with 10315

Dieter Weizner?
A. Dieter Weizner, as I explained before, I didn't really talk to in February or March, other than on that one occasion. Ronald I would talk to, but I'm not a big note-taker.
Q. No notes of conversations with Ronald Konitzer?
A. I wouldn't say "no," but none that I can remember taking.
Q. Do you think that your file might have notes of conversations with Ronald Konitzer?
A. To be honest, I'd have to look.
Q. Do you think that your file would have notes of conversations with Mark Schaffel?
A. No.
Q. How about Frank Cascio?
A. No.
Q. How about Vinnie Amen?
A. I don't know that I ever had -- unless he was standing with Frank when I talked with Frank, I don't know that I ever had a conversation directly with him. Maybe when he was with Frank, but, no, I wouldn't have notes.
Q. Did you have any e-mail communications with Michael Jackson?
A. No, I don't believe so.
Q. Did you have any e-mail communications with any of the other named people, the people I just 10316

named?
A. Probably Ronald would be on -- e-mails that would come from David LeGrand would have Ronald's name on them as well.
Q. So you would have kept communications between yourself and David LeGrand through e-mail?
A. No, I wouldn't have kept them, but I would have had them at one point. I don't know that I would have kept them. Like I say, I would have had them if they had sent them to me, but probably would have deleted after I got whatever information I wanted.
Q. Is it your habit and custom to print out copies of your e-mails and keep them?
A. No.
Q. Is it your habit and custom to keep your e-mails electronically stored in your computer?
A. No. If it's something particularly important, I'll just click over and save it into Word Perfect and then save it in the file, but I generally do not keep the e-mails segregated with whatever else.
Q. Do you have a Word Perfect file on Michael Jackson?
A. I believe that I do.
Q. Does it contain e-mail communications?
A. I don't think I had any e-mails with him. I'd have to double-check to be sure, but I don't 10317

1 think I did.
2 Q. Did you have e-mail communications with Brad
3 Miller?
4 A. I think that I did.
5 Q. Did you save those e-mail communications?
6 A. I don't think that I did.
7 Q. You might have?
8 A. Maybe.
9 Q. Would it be your habit and custom to title
10 those "E-mail communications" with your investigator
11 and put them in your file as a Word Perfect
12 document?
13 A. If I looked in Word Perfect, that's -- if it
14 was something important and I saved it into Word
15 Perfect, that would be the way to tell.
16 Q. Is it the case that you're the only lawyer
17 remaining in Los Angeles County who still uses Word
18 Perfect?
19 (Laughter.)
20 A. Probably so. But it's the 11 series, so --
21 Q. Mr. Geragos, I'd like to show you an
22 exhibit.
23 Could I approach the witness?
24 THE COURT: Yes.
25 Q. BY MR. ZONEN: Number 347, would you take a
26 look at that, please?
27 A. Okay.
28 Q. That's an exhibit containing two notes; is 10318

1 that correct?
2 A. Yes. It's got two blue pieces of paper with
3 handwriting on it.
4 Q. Do you recognize that as your former
5 client's handwriting?
6 MR. MESEREAU: Excuse me, could I see what
7 this is?
8 THE COURT: Yes.
9 MR. MESEREAU: May I approach, Your Honor?
10 THE COURT: Yes.
11 MR. ZONEN: It's admitted in evidence, Your
12 Honor.
13 THE COURT: He just needs to see what it is.
14 MR. ZONEN: I understand. Thank you.
15 Q. Do you recognize that as Mr. Jackson's
16 handwriting?
17 A. No.
18 Q. Were you familiar with Mr. Jackson's
19 handwriting?
20 A. Familiar with his signature and familiar
21 with some of the way he signs off. But not -- this
22 does not appear -- there's nothing about it that I
23 recognize.
24 Q. All right. Would you read those two notes,
25 please, out loud?
26 A. "But you have to really be honest in your
27 heart that I am your dad and will take care" --
28 "good care of you, Dad. I want you to have a great 10319

time in Florida. I'm very happy to be your daddy. Blanket, Prince and Paris are your brothers and sisters. Love, Dad."
Q. All right. Would you be surprised to learn that that is, in fact, a note or two notes written by Mr. Jackson to Gavin Arvizo?
A. I don't know. Would I be surprised? I don't know. I probably would be surprised.
Q. All right. Mr. Geragos, if, in fact, those are notes written by the defendant to Gavin Arvizo, that would be inconsistent with what you tell us he told you about not wanting to be called "Dad"; is that right?
MR. MESEREAU: Objection. Misstates the evidence. He said someone else told him.
THE WITNESS: Yeah --
THE COURT: Just a moment.
And no speaking objections, Mr. Mesereau.
MR. MESEREAU: Yes, sir.
THE COURT: All right. You may answer. I'm not sure you answered or you were responding to Mr. Mesereau, so --
MR. ZONEN: Should the question be reread, Your Honor?
THE COURT: Reread the question.
THE WITNESS: I believe that the -- that -- I don't know what dates these were written on, and I don't know that it's his handwriting. 10320

Are you asking me to assume it's his handwriting? If I assume it's his handwriting, yes, that would be -- that would be surprising to me.
Q. BY MR. ZONEN: Now, to your knowledge, the only trip that the Arvizos ever took to Florida with Mr. Jackson was the one that they took just prior to arriving in Neverland on the 7th; is that correct?
A. From the discovery, that's my understanding.
Q. You have no other information that the Arvizo family ever took any other trip to Florida with Mr. Jackson?
A. Right. I don't have any other information that they took any other trip.
Q. Do you have any information that the Arvizo family took a trip anywhere with Mr. Jackson other than Florida and Neverland?
A. No.
Q. Now, I asked you a number of questions about your giving counsel to your client about the Arvizo family leaving Neverland.
When did you finally tell your client that it's time for the Arvizo family to go home?
A. I think I told -- I don't know that it was Michael or Ronald, or maybe on the same phone call, but sometime in March that -- in March of '03.
Q. Now, were you aware in March of '03 that the Arvizo family was still at Neverland?
A. I think they had come and gone, was my 10321

1 understanding back then, in March of ‘03.
2 Q. At the time of the conversation with Mr.
3 Jackson -- let me strike that and reask that.
4 Did you finally have a conversation with
5 Michael Jackson about the fact that the Arvizos
6 should not be at Neverland?
7 A. I had a conversation -- my only hesitancy is
8 when you say was it with Michael Jackson. I don’t
9 think it was with Michael. I think the conversation
10 was with either Ronald or Brad saying that, “This is
11 not a good situation.” I don’t think that the
12 conversation was with Michael.
13 Q. Well, Brad Miller was working for Michael
14 Jackson at the time?
15 A. Brad Miller was working for me.
16 Q. All right.
17 A. Brad Miller would be a liaison. If I were
18 in trial, I would have Brad communicate messages,
19 but Brad was not talking to Michael. Brad would
20 have been talking to one of the people that I
21 mentioned.
22 Q. All right. Is there a reason you didn’t
23 call Michael Jackson directly, given that he is
24 your -- was your client --
25 A. Well --
26 Q. -- and tell him to send the Arvizo family
27 home? Is there a reason you didn’t do that?
28 A. Because I don’t believe, at the time when I 10322

had that conversation, that Michael was even at Neverland. I don't think Michael was there then.
Q. Did you make any effort to determine when Michael Jackson would be at Neverland?
A. Well, when you say, "make an effort to determine," I believe at one point he was out of state and -- in March, and I was informed of that, and so that's -- that was the basis for my opinion.
Q. Did you --
MR. MESEREAU: Objection. He's cutting off the witness.
THE COURT: Sustained.
MR. MESEREAU: May the witness complete his answer, Your Honor?
THE COURT: Had you completed your answer?
THE WITNESS: No, but I forgot what I was going to say.
Q. BY MR. ZONEN: Did you make an effort to contact Michael Jackson out of state?
A. No -- well, I think that I was told he was out of state. I think it was one of those brief conversations when he was on with somebody else. I was having a conversation with somebody else, he was either in the room or got on for a minute.
But, no, that was not -- I didn't consider that -- that I was dictating to him what he needed to do. I was there, I thought, to do an investigation. I was there to make sure that 10323

nothing unfair happened to him and his kids. That was my role.
Q. At some point in time around the middle of the month of February, did you learn that the family had left Neverland?
A. This was what was objected to before. You want me to answer it now?
Q. I'd like to know if you learned at some time in the middle of February that the family had left Neverland. Yes or no?
A. Yes, I was told by somebody that the family had left Neverland.
Q. All right. Okay. Now, were you aware that there were telephone calls being made from Frank Cascio to Janet Arvizo asking her to return to Neverland?
A. I found that out later. I did not know it at the time.
Q. Are you aware that your investigator, Brad Miller, tape-recorded one or more of those conversations?
A. I'm aware of one. I found that out when the police searched Brad's office and got that tape, and later learned what that was.
Q. Did you direct Mr. Miller to tape-record those telephone calls?
A. I said I was aware of one.
Q. Did you direct Brad Miller -- 10324

A. And I did not direct him to tape a phone call surreptitiously. The only tape that I directed him to do that was an audiotape, was the one where I said, “I want you to sit down and interview them.” And I also told him, “I want a log of where they are.” I did not tell him to tape Frank Tyson or that one phone call.

Q. Did Mr. Miller tell you about the conversation that he tape-recorded between Frank Cascio or Frank Tyson and Janet Arvizo?

MR. MESEREAU: Objection. Assumes facts not in evidence; no foundation; misstates the evidence as well.

THE COURT: Overruled.

You may answer.

THE WITNESS: Brad later told me, when we were -- you and I and Mr. Sneddon were litigating this issue, and I asked him about it, that the reason he did it is because Frank had led him to believe --

MR. ZONEN: I’m going to object at this time to --

MR. MESEREAU: Objection. He’s cutting off the witness.

MR. ZONEN: Well, I --

THE COURT: Overruled.

The question is simply whether or not he told you about tape-recording the conversation. 10325

THE WITNESS: Do you want me to answer “yes” or “no”? Yes.
Q. BY MR. ZONEN: Now, when was the conversation that you had with Brad Miller where he acknowledged tape-recording that conversation? When was that?
A. It would have been substantially after the tape was seized from his office.
Q. All right. Back during the month of February, was Brad Miller informing you as to the content of his investigation?
A. He was -- he was pretty dil --
MR. MESEREAU: Objection. Leading, Your Honor. Vague as to time.
MR. ZONEN: I said February.
MR. MESEREAU: Can I assume 2003?
THE COURT: Just a moment. Just a moment. All right. I’ll overrule the objection. Do you want the question read back? I’ll order it read back.
THE WITNESS: I remember. I was going to answer.
He was being fairly diligent about telling me. He did not tell me about that one particular call until after it was seized when I started to question him about it.
Q. BY MR. ZONEN: Did he tell you about any conversations that took place between Frank Cascio 10326

and Janet Arvizo?
A. That conversation.
Q. Did he tell you that in the middle part of February, Frank Cascio was trying to get Janet Arvizo back to Neverland Ranch?
A. No. That's not what he told me. Do you want me to tell you what he told me?
Q. Did he tell you that anybody from Neverland Ranch was making efforts to get Janet Arvizo back?
A. No. He told me that he was --
MR. ZONEN: I'm going to object as nonresponsive.
THE WITNESS: No.
THE COURT: Sustained.
Q. BY MR. ZONEN: Mr. Geragos, did you have conversations with any employee of Michael Jackson on whether or not the Arvizo family should be tape -- videotaped and whether or not that videotape should be included in a commercial production to be aired on television?
A. I was told that they were going to be videotaped, and it would have been by David and/or Ronald. And I instructed Brad to go to the videotaping and to remain there until he got a copy of the videotape.
Q. Were you consulted at any time by any employee of Michael Jackson as to whether or not waivers would be necessary for such a thing? 10327

A. No.
Q. Were you consulted by anybody employed by Michael Jackson on the question of whether or not any member of the Arvizo family should be compensated for their involvement in this tape?
A. I was told that they wanted to be compensated for the tape.
Q. All right. And did you tell -- who was that who told you that?
A. As I sit here, I would just be guessing. I know that I was told that they wanted to be compensated for the tape.
Q. And did you tell that person that that would be an appropriate thing to do, since it was a commercial interest?
A. No. I don't think I did -- had anything to do with it. In fact, I think that that was dealt with -- all of the licensing and everything having to do with the rebuttal was handled by, I think, David and Schaffel.
Q. At the time of the conversation with this person about them wanting to be compensated for this tape, did you ask that person if the Arvizo family was still staying at Neverland Ranch?
A. I don't remember if I did.
Q. Do you know if you told that person that it was not a good idea for these people to be associating with Michael Jackson? 10328

A. Well, I know that I had that conversation.
Q. With whom?
A. I'm sure I've had it with Brad. I'm sure I've had it with Ronald. And I'm positive that at one point I had that conversation with David.
Q. With who?
A. David LeGrand.
Q. With David LeGrand. Did any of them tell you that was difficult to do because Mr. Jackson enjoyed sleeping with Gavin Arvizo?
MR. MESEREAU: Objection. Assumes facts not in evidence; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: No. Nobody told me that.
Q. BY MR. ZONEN: When did you first learn that there was, in fact, a succession of young boys that had been sleeping with Michael Jackson over the last 15 years?
MR. MESEREAU: Objection. Misstates the evidence; argumentative; no foundation; move to strike.
THE COURT: Argumentative; sustained.
Q. BY MR. ZONEN: Did you ever learn about Brett Barnes?
A. Doesn't ring a bell.
Q. Did you ever learn about Jordie Chandler? 10329

A. The same person you asked me about earlier --
Q. Yes.
A. -- from ‘93, yes.
MR. MESEREAU: Asked and answered.
MR. ZONEN: All right.
THE COURT: Just a moment.
Q. BY MR. ZONEN: And in the process of investigating --
THE COURT: Just a moment. I’m ruling on an objection here.
MR. ZONEN: I’m sorry. I thought you had.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you ever determine whether or not Jordie Chandler had spent many consecutive nights in bed with Michael Jackson?
MR. MESEREAU: Objection. Beyond the scope; no foundation; argumentative.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you make any investigation into any of the allegations against Michael Jackson that occurred back in 1993 and prior to ‘93?
MR. MESEREAU: Objection. Beyond the scope; no foundation; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: Over the break I was given the 10330

written waiver, and the written waiver was up through --
BAILIFF CORTEZ: Microphone, sir.
THE WITNESS: The written waiver was up through the time of arrest. To answer that, I would have to go beyond that.
THE COURT: I didn't understand that the waiver was limited.
MR. ZONEN: Nor did I.
MR. MESEREAU: Yes, Your Honor. If I didn't say that, I meant to. We were going to limit it until up to the time of Mr. Jackson's arrest.
THE COURT: That's not what you informed all of us. Take the jury out, please.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel, you didn't inform Mr. Geragos, myself, or anyone else in the courtroom that there was anything other than a waiver of the attorney-client privilege. You didn't indicate there was any limitations on that waiver.
MR. MESEREAU: That's my mistake, Your Honor. I was thinking in terms of the period, relevant time period, not after the arrest, the time he was involved with Mr. Konitzer, Dieter, people 10331

like that. That's -- that's my mistake, and I apologize. I didn't think anything was relevant after the arrest.
THE COURT: They can't hear you talking back there.
MR. MESEREAU: I didn't think anything was relevant after the arrest. And I should have been clear about that. That's my mistake.
THE COURT: Well, I consider you've made a total, complete waiver on the record. You know, I'm not going to allow you to give with one hand and take away with the other.
MR. MESEREAU: Can I inquire, Your Honor? With all due respect, what would be relevant after the arrest to the time period that's being litigated in court? I don't think there is anything. I believe the allegations --
THE COURT: The relevancy is one issue, granted. But that's not what we're talking about now. We're talking about the scope of the waiver that you represented that you were -- that existed. Mr. Geragos is on the witness stand. He's answering questions, and then you inform him during a break that there's some limitation. I think relevance has to be dealt with on a question-by-question basis. I'm not dealing with that. I'm dealing with the extent of the waiver that you indicated to the Court and to Mr. Geragos 10332

that you have.
MR. MESEREAU: I guess I did do that. And unfortunately, I meant to cover the period involving this case, which I thought was before the arrest, and that was my mistake.
I didn't think it included, Your Honor, the period of time following the initial Information.
I didn't think that was relevant. I wasn't even considering that. I was thinking about the time period during which the prosecution has elicited testimony and he elicited testimony regarding these alleged events.
THE COURT: Well, what's your position?
MR. ZONEN: I think it may be appropriate to ask this witness questions about his conversations with the defendant and questions about his involvement in the case even after the arrest. It could have bearing certainly on his conduct here, or conduct that he took after the time of the arrest could have bearing on whether or not he did or didn't do certain things prior to the arrest. I just don't think that we should be restrained from having to limit our questions only up to the time of his arrest.
THE WITNESS: Your Honor, may I just interject one thing, since I'm going to be the one asked the questions?
If there's not a waiver from the client -- 10333

MR. ZONEN: I'm going to object.
THE WITNESS: If there's not a waiver --
THE COURT: No, he has my permission to speak.
THE WITNESS: If there's not a waiver by the client, I believe under State Bar rules, I am completely exposed. And I would inform the Court, without a written waiver, I am not going to answer, even under threat of contempt, any further questions that have to do with anything which is stated at least in the written waiver that I have, under -- or after December of 2003, because I can't put that genie back into the bottle at this point.
Frankly, I think technically the arrest was in November of 2003, in the first place, but the letter states December of 2003. And I believe under State Bar rules, I'm not allowed to answer anything unless there's a written waiver that is fully informed by the client.
MR. ZONEN: Your Honor, we haven't been furnished with a copy of that waiver. We would like to see it, please.
THE COURT: Go ahead and --
MR. MESEREAU: We have another copy, Your Honor.
THE WITNESS: Do you want to make a copy or --
MR. ZONEN: That's okay.
THE COURT: The question that was asked was 10334

whether or not he'd made an investigation into the 1993 allegations. And that was when he advised us that he had been given a limited waiver.

So I guess if the question was whether you'd made any investigation into the allegations about 1993 back in February, that you would be able to answer that question.

THE WITNESS: That's correct, Your Honor. In fact, if the question was limited to anything prior to, I believe it was November -- I want to say 18th or 19th of 2003, anything prior to that date I'm comfortable with and don't have a problem.

Anything after that date, I'm going to refuse or decline to answer. Respectfully, of course.

THE COURT: I'm not quite sure how to deal with it, but one way we can deal with it is that the relevancy of his testimony is based on what happened in February, March, and maybe up to the time of arrest. And then we could complete that testimony, and if you then thought you had some need to go into other areas, we could get some points and authorities on where we stand on the misrepresentation that Mr. Mesereau has made to the Court and to counsel.

That way, though, if we take evidence limited in that respect today, we can free counsel 10335

up to get back to his trial. I know he's got a trial in Los Angeles that he needs to be at. And if we do it that way, then what I would do is hold you on call to me.
THE WITNESS: I kind of thought I already was.
THE COURT: Huh?
THE WITNESS: I kind of thought I already was.
THE COURT: Yeah, you are. But, you know, in the future, and --
MR. ZONEN: Judge, is the Court under the expectation that we're actually going to finish by 2:30 today?
THE COURT: Uh-huh. Aren't you?
MR. ZONEN: Not optimistically, no. Not with redirect as well. I may finish cross. I don't know that we're going to finish redirect.
THE COURT: Well, let's see what we do. Sometimes -- anyway, I then will proceed in this fashion, reserving what remedies exist -- what should be done under the circumstances, but we don't waste the last hour, and perhaps we're able to free counsel and perhaps not.
Is that an agreeable way to proceed?
MR. ZONEN: It is.
And while the jury is out, let me also ask that we be furnished at this time Mr. Geragos's 10336

file, at least the file that existed up to the date of the arrest, which would include all of his billing records, his notes, his e-mails, his handwritings, communications and reports. There is a waiver up till that time.

THE COURT: I'm not going to order that, Counsel. You can use the proper process for that. Now, is that an agreeable way to proceed, Mr. Mesereau, today?

MR. MESEREAU: Yes, Your Honor. And I apologize for the -- it was not intentional, what you've categorized as a misrepresentation. I apologize for that. It was not intentional. I was thinking of the period of the alleged conspiracy.

THE COURT: People can't hear you.

MR. MESEREAU: I was thinking of the period of the alleged conspiracy. I was not thinking beyond that, and that's my mistake. And I do apologize to the Court.

THE COURT: All right. We'll see where that gets us. I don't know where that gets us. Let's bring the jury in and see what we can achieve.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead, Counsel. 10337

MR. ZONEN: All right.
Q. Mr. Geragos, the tape-recording of the telephone call that I had asked you about previously, the call between Frank Cascio and Janet Arvizo, you did tell us that you listened to that tape-recording; is that correct?
A. Yes, I -- well, we're right back to where we were before.
THE COURT: Excuse me. I was just -- let me just take care of something.
I'll just have the court reporter mark that.
Next question.
Q. BY MR. ZONEN: Mr. Geragos, at some time after that interview that your investigator, Mr. Miller, had with the Arvizo family at your direction, you became aware of the fact that there was going to be a filming of the entire family; is that right?
A. I don't know if it was the whole family, but I was aware there was going to be a videotaping, yes.
Q. And were you aware at that time that that video was going to be used in a commercial production?
A. I knew that the videotaping was going to be -- they were trying to sell it. That's what they were going to do. So if you mean "commercial" that way, yes, they were trying to sell it. I don't know 10338

if they had already cut a deal or not.
Q. Was it your understanding that the Arvizos' participation in that video would have commercial value to your client, Mr. Jackson?
A. I don't know if I'm qualified to answer that.
Q. Was that your belief at the time?
A. I don't know that I ever thought about it at the time.
Q. Did anybody ever talk to you about the commercial value of their involvement in this video?
A. Nobody was looking for my advice on commercial value of the rebuttal video.
Q. Did anybody ever consult with you at all about the propriety of using the Arvizo family in this video?
A. I don't know about -- well, I just said if some statements were going to be taped, I wanted a copy.
Q. Did you know that Gavin Arvizo was a cancer survivor?
A. I did not then, when that tape was made.
Q. Well, that tape was made, what, the 20th?
A. I think that tape was made the 20th. And I probably -- probably knew that either on that following day or the day after. But I think very close in time.
Q. Mr. Geragos, you had not watched the 10339

1 documentary “Living with Michael Jackson” prior to
2 that?
3 A. I had, but I had -- I had not investigated
4 records or anything like that. I later got records
5 and confirmed what was being said.
6 Q. Isn’t it true that the documentary “Living
7 with Michael Jackson” has clearly stated that Gavin
8 Arvizo is a cancer survivor?
9 A. Yes.
10 Q. And you did view that documentary prior to
11 the taping on the 20th?
12 A. Right, but I wasn’t buying anything until I
13 had documentation.
14 Q. All right. But you had information, at
15 least, that Gavin Arvizo was a cancer survivor; is
16 that right?
17 A. That’s what the claim was.
18 Q. Did you ever ask Michael Jackson if it was
19 true that Gavin Arvizo was a cancer survivor?
20 A. Not in February of ‘03.
21 Q. Of any of the conversations that you had
22 with David LeGrand or Ronald Konitzer, did you ask
23 either one of them if it was true that Gavin Arvizo
24 was a cancer survivor?
25 A. I think that the discussions were had
26 sometime in February about that subject.
27 Q. You were aware, were you not, that the
28 filming and presentation and airing of the 10340

1 documentary “Living with Michael Jackson” caused
2 Gavin Arvizo considerable problems in his life?
3 MR. MESEREAU: Objection; foundation.
4 THE COURT: Overruled.
5 You may answer.
6 THE WITNESS: I was aware that the claim was
7 made that he was being taunted at school.
8 Q. BY MR. ZONEN: And you knew that prior to
9 the 20th of February; is that right?
10 A. I don’t think I knew it prior to the 20th.
11 I think I knew it closer to the end of the month or
12 the beginning of March.
13 Q. When you viewed the documentary “Living with
14 Michael Jackson,” did you understand at the time
15 that that documentary was going to cause Gavin
16 Arvizo problems?
17 MR. MESEREAU: Objection; foundation.
18 THE WITNESS: My --
19 THE COURT: Overruled.
20 You may answer.
21 THE WITNESS: Gavin Arvizo wasn’t my client.
22 Michael Jackson was my client.
23 Q. BY MR. ZONEN: I understand that.
24 A. I was not -- you know, I don’t want to sound
25 heartless, but I was worried about my client’s
26 problems.
27 Q. I understand you were worried about your
28 clients problems, but did you, in fact, understand 10341

that the airing of that documentary could cause
Gavin Arvizo problems because of how he was depicted
and portrayed?
A. I -- I suppose in retrospect, yes. At the
time, I thought that it was -- it would have the
opposite effect for him. He would be able to
exploit that for money. That was my worry; that he
was going to, or the family was going to go sell
their story for a six-figure sum. I had that
concern.
Q. Now, actually "sell the story," sell the
story to whom?
A. One of the tabloids.
Q. Well, they would have a right to do that,
wouldn't they?
A. Yes.
Q. There's absolutely nothing illegal about
selling your own story?
A. If it's false, then you have actions that
you can take, and that's -- that's one of the
reasons I wanted to have the tape, because I didn't
want -- I wanted to have them locked into what the
truth was and not later sell a false story, because
my experience is that the tabloids are not always
absolutely accurate.
Q. All right. Now, that's not necessarily the
problem of the Arvizos, whether or not the tabloids
are accurate, right? 10342

A. I don’t know that I would agree with that.
Q. All right. But the Arvizos certainly would have a right, in this country, to sell their story to anybody?
A. They would. And as I stated, I already had a concern about the Arvizos because of the J.C. Penney lawsuit, so I was not exactly looking at them as being pristine or pure at that point. I had -- for lack of a better word, I had a rather jaded view at that point.
Q. In fact, Michael Jackson was marketing the Arvizo’s story for profit; is that true?
MR. MESEREAU: Objection. Foundation; assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: They were trying to do, my understanding, what they called a rebuttal video. And the reason they were trying to do a rebuttal video, I suppose, was, as you indicated, for profit. It wasn’t being done pro bono.
Q. BY MR. ZONEN: And your client believed that if the Arvizos were included and their story was included in this production, it would be more profitable to him; is that true?
A. Actually, I don’t know.
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation. 10343

THE COURT: Overruled.
THE WITNESS: Actually, I don't know what my client believed. All I know is when I heard that they were going to be included, I wanted to have a copy of the statements, the videotaped statements. I did not specifically talk to Michael about, "Are you doing this for money?" "Is this something that you have a belief we're going to use them for marketing?" or anything of that nature.
Q. BY MR. ZONEN: Did you have a conversation with anybody at Hamid Moslehi's home -- easy for me to say.
A. Common spelling.
Q. -- (continuing) Hamid Moslehi's home on the 19th of February of 2003?
A. I could have, if Brad was there. It would have made sense that Brad might have called me and said, "They're not giving me the videotape," because they didn't give me the videotape.
Q. Did you at any time during the evening of the 19th, into the early morning hours of the 20th, give any direction to any employee of Michael Jackson about what they should ask or what they shouldn't ask --
A. Absolutely --
Q. -- the Arvizo family?
A. Absolutely not.
Q. Did anybody consult with you about the 10344

1 script that would be used for the Arvizo family?
2 A. I didn't know that there was a script.
3 Q. Did anybody ask you whether or not the
4 Arvizos should be specifically asked questions about
5 whether Gavin was molested?
6 A. I specifically said, "I want copies of the
7 videotape." I do not believe that I talked to
8 Hamid. And I can't pronounce his last name.
9 Q. Moslehi.
10 A. Easy for you to say.
11 And I don't believe that I talked to anybody
12 else that evening but Brad. I could be mistaken.
13 But that -- my memory is that I would have talked to
14 Brad; that Brad told me that they weren't giving up
15 a videotape, or that it was getting late, or I told
16 him, "I don't want to talk to you anymore. Don't
17 call me anymore. It's late. I've got to go to
18 bed."
19 Q. Did you talk to Mark Schaffel that night?
20 A. I don't think so. I think I might have
21 talked to Schaffel the next day to find out why we
22 didn't get a copy of the videotape.
23 Q. Did you talk to Christian Robinson?
24 A. I don't think I've ever talked to Christian
25 Robinson. At least back in February or March of
26 2003, I don't believe I've talked to Christian
27 Robinson.
28 Q. Did you talk to Vicki Podberesky that night? 10345

A. I did not.
Q. Did you refer anybody to Vicki Podberesky?
A. I think Brad called and said that --
Q. Mr. Geragos, did you refer anybody to Vicki Podberesky?
A. I was trying to answer the question. Brad called and asked for a referral. I did not refer to Vicki Podberesky. I referred to Michael Nasatir. Vicki Podberesky is Michael's partner.
Q. All right. And you referred Brad Miller to Michael Nasatir; is that right?
A. Brad said that Janet wanted a lawyer. I said, "I can't represent Janet. My firm's not going to represent Janet. Call Mike Nasatir and see if it's something he can handle."
Q. All right. You were the one who then gave Brad Miller the name of Mike Nasatir's law firm; is that correct?
A. That's correct.
Q. You didn't say "Vicki Podberesky"?
A. I did not say "Vicki Podberesky." I said "Mike Nasatir."
Q. Did you have a conversation with Vicki Podberesky that night?
A. I don't believe it was that night. But if she says it was, I would defer to her. My memory is that I talked to Mike Nasatir.
Q. Did you talk to Mike Nasatir that night? 10346

A. Might have. Might have said, “I’m referring over a case,” or “Brad’s going to call you. Talk to him,” you know, “Do whatever you have to do.”
Q. Did you tell Mike Nasatir that you would be financially responsible for his bill?
A. Absolutely not.
Q. Did you tell him that Michael Jackson would be financially responsible?
A. Absolutely not.
Q. Did you know who was going to be responsible for his bill?
A. It wasn’t my firm. It wasn’t my business.
Q. Did it come up in the conversation with Brad Miller?
A. No. Why would it -- no.
Q. Now, at this point, you understood that Janet Arvizo did not have a lot of money?
A. I don’t know that I understood that. I was aware of a J.C. Penney lawsuit. I was aware that she had a boyfriend who seemed to be making very good money. So, no, I’m not aware that she was completely limited in terms of her funding.
Q. Did you ever make any effort to determine whether or not she was going to have to pay a retainer to the law firm of Mr. Nasatir?
A. Absolutely not. It wasn’t my business.
Q. You did have a conversation with Mr. Nasatir either that night or the next morning? 10347

A. I believe it was the next morning, but I could be mistaken. It might have been that night. And I believe the conversation was that, “I referred somebody over, and this is the name and the number.” And, you know, “Handle it however you want to handle it.”

Q. Did you ask Mr. Nasatir to contact you after his interview with Janet Arvizo and tell you the content of that interview?

A. If -- if I talked to him that night, I probably would have said, “Let me know what happens,” yes.

Q. Would you have asked him to tell you about the content of the conversation?

A. I would have wanted to know what was being said, yes.

Q. Would you have asked him to get an express waiver of attorney-client privilege from Janet Arvizo so that he could talk to you about the exact content of that conversation?

A. No. I wouldn’t have advised him how to practice law. He’s a -- I think a certified specialist in criminal law, and I would assume he would know that.

Q. Did you tell Brad Miller that you wanted Brad Miller to become informed of the conversation that Janet Arvizo was having with this attorney?

A. No, it was the opposite. Janet kept telling 10348

1 Brad she wanted him there.
2 Q. Did you have --
3 A. And Brad said he couldn't go, and that's why
4 he volunteered Asaf instead.
5 Q. Did you have a conversation with Brad Miller
6 wherein you specifically asked Brad Miller to get as
7 much information as he could of the conversation
8 between Janet Arvizo and the Nasatir lawyer?
9 A. No. In fact, I -- my understanding was, I
10 told them, "I can't get in the middle of that.
11 Refer it out." And she kept asking Brad to attend
12 with her at that interview.
13 Q. Did Brad Miller tell you specifically that
14 the interview they were referring to was a
15 Department of Child Family Services interview?
16 A. I think he did, yes.
17 Q. Did you understand that that interview was
18 existing, was taking place because of concerns about
19 whether or not her children were being exposed to
20 Michael Jackson?
21 MR. MESEREAU: Objection; misstates the
22 evidence.
23 THE COURT: Overruled.
24 You may answer.
25 THE WITNESS: I -- I learned that after the
26 fact, after the interview.
27 Q. BY MR. ZONEN: Who is it who told you that
28 Janet Arvizo was going to have an interview with the 10349

Department of Child & Family Services
representatives?
A. I believe it was Brad.
Q. And he told you that that night?
A. I believe so. I believe that it was that
night that he said she was asking him to go with her
to the interview.
Q. Do you know why this interview was conducted
at two o'clock in the morning, hours before the
start of the interview with Janet Arvizo and the
Department of Child Family Services?
A. I have no idea --
MR. MESEREAU: Objection; misstates the
evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I have no idea why it was 2:00
in the morning. I do have a memory of saying, "Stop
calling me, because I'm going to bed."
Q. BY MR. ZONEN: Did you tell Brad Miller at
any time that they should have that interview done
before the start of her interview with the
Department of Child Family Services?
A. Absolutely not. One, in my mind, had
nothing to do with the other.
Q. Did you tell Brad Miller to tape-record that
interview with the Department of Family Services?
A. Absolutely not. If I -- no, I absolutely 10350

1 did not.
2 Q. Did you tell Brad Miller that he should have
3 somebody else tape-record that interview?
4 A. Absolutely not. I didn't know that he was
5 going to have anybody there.
6 Q. Did you have Asaf there that day?
7 A. I did not have Asaf there that day.
8 Q. Did you know Asaf prior to that day?
9 A. I think I met Asaf on one prior
10 investigation that I had hired Brad on.
11 Q. Is that Asaf Vilchic?
12 A. I think that's his last name.
13 Q. And did you understand him to be an
14 employee, a part-time employee, of Brad Miller?
15 A. Yes.
16 Q. Is Brad Miller someone you had worked with
17 for a period longer than five years prior to that
18 day?
19 A. No.
20 Q. Did you feel that you knew Brad Miller
21 fairly well?
22 A. I thought I knew him, yes. At that time, I
23 don't know if I would say "fairly well," but I used
24 him, as I indicated, probably on three or four
25 different cases. I use a number of investigators.
26 Q. Was there any conversation between you and
27 Brad Miller that night, on the evening of the 19th,
28 about whether or not the DCSF interview would be 10351

1 tape-recorded?
2 A. No, absolutely not.
3 Q. When did you first learn that that interview
4 had been tape-recorded?
5 THE WITNESS: I can't answer that, Your
6 Honor.
7 THE COURT: Mark that.
8 Next question, please.
9 Q. BY MR. ZONEN: When did you listen to the
10 tape-recording for the first time?
11 A. I can't answer that.
12 Q. Did you have a conversation with Brad Miller
13 within the next week about the -- about the meeting
14 with the Department of Child Family Services?
15 A. I probably would have, yes. I don't have --
16 as I sit here, I don't remember it, but it would not
17 have been unlikely.
18 Q. Did Brad Miller brief you about the content
19 of the Department of Child & Family Services
20 meeting?
21 A. I think I was told that there wasn't any
22 problem. And I don't -- and I don't know if I was
23 told that within a week or within a day, but I think
24 I was just told that there was no problem.
25 Q. Did you ask him, Brad Miller, if he was, in
26 fact, present during the course of the meeting with
27 the representatives from the Department of Child &
28 Family Services? 10352

A. I don't remember doing it, but it certainly would not have been unusual for me to have done it. As I sit here, I don't remember asking him that, but it's logical that I would have.
Q. Did Brad Miller tell you that he was personally present during that interview?
A. I don't remember the conversation, but I don't at any time remember Brad telling me that he was present during that interview.
Q. Did he ever tell you who was present during that interview?
A. That's another question I can't answer.
THE COURT: All right. Mark it.
Q. BY MR. ZONEN: Did Brad Miller ever tell you that Asaf was present during the beginning of the interview?
A. That's another question I can't answer.
THE COURT: Next question. Mark it.
Q. BY MR. ZONEN: Did Asaf ever tell you how that tape got in the hands of MS-NBC and Dan Abrams?
A. That's another question I can't answer.
THE COURT: All right. I think we'll take our recess early today. I don't think this is productive to proceed this way.
(To the jury) Any objection if you go home seven minutes early?
A JUROR: Oh, no.
THE COURT: See you Monday morning at 8:30. 10353

Remember the admonition.
Counsel remain a moment.
MR. ZONEN: Thank you.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. ZONEN: Mr. Geragos, do you still have that exhibit in front of you or did I take it back already?
THE WITNESS: Yes.
THE COURT: Mr. Geragos, you may step down, but remain within the bar. You have an interest, a stake here. I think you have counsel here.
MR. GERAGOS: Pat's sitting here, but I'll be one of those pro pers.
My biggest concern is I'm engaged in Department C35 in a jury trial that has been ongoing now for eight weeks in Santa Ana court before the Honorable Judge --
THE COURT: Could you come to the microphone? There's people that just can't hear you back there.
MR. ZONEN: I'll move out of your way.
MR. GERAGOS: I'm presently engaged in jury trial in Department C35, long-cause court, in Santa Ana. I've been there for eight weeks. We have 18 jurors in the box. I'm in the middle of 10354

cross-examination. This is a case that's estimated to last till August. The case is actually seven years old. It's been to the Supreme Court and back, and there is a published decision on it. The -- all the jurors are ordered back for Monday morning at nine o'clock. I am ordered back by Judge Fasel at 8:45.

Obviously I do not want to incur the wrath of this Court, but I believe that if I'm ordered back for Monday, I'm going to be under competing Court orders, and somebody's going to find me in contempt.

THE COURT: Who do you want to do that?

(Laughter.)

MR. GERAGOS: I think I'd rather -- I hate to say this, as much as I love Santa Maria, I'd rather spend my time in the OSC jail, so --

MR. SANGER: We have a nice jail here.

THE COURT: We can call that judge. I understand. In fact, that's why I ordered you up today, was when I heard that you were in a lengthy jury trial, my choice was not to disturb the jury trial on Monday, because I know how hard it is for any jury to have to deal with these kind of problems.

And I fully anticipated that we'd be able to get all of your testimony in today. You know, the District Attorney had said that he only had a few 10355

more minutes with LeGrand, and that didn't happen,
so you were kept upstairs for a period I didn't
anticipate this morning.
But his courtroom is dark on Fridays?
MR. GERAGOS: He I think -- I believe has a
law-and-motion calendar on Fridays, and that's why
it's dark for jury trials.
The jury was ordered back at -- for nine
o'clock. The next day off is the 20th. I've
already inquired here. I guess you're not working,
I guess this court is dark on the 20th. And then we
do have, even though I'm supposed to be out of the
country, we're dark on the 26th of May. I suppose I
could always delay that trip to later in the day if
I could get --
THE COURT: Well, I'm not going to put it
off that long. What I could do is cancel our day
off on the 20th. The 20th was going to be a day off
because Mr. Sanger had made a commitment to
appear --
MR. GERAGOS: If it's just Mr. Sanger, I've
got no problems screwing up his day off.
THE COURT: So I'm trying to -- what I'm
going to require here is some points and authorities
from both sides. I'm not quite sure of what --
where we are and what we should be doing. And so it
wouldn't hurt if -- I mean, clearly everyone's going
to have their points and authorities to me Monday, 10356

but then we could take your testimony next Friday and --
MR. GERAGOS: That's fine. And I'd appreciate it. The case I had on Friday I was hoping that you would say that. I had somebody go out to San Bernardino this morning and continue a prelim that was set for the 20th, so I have -- I can move the other two things that I have, so it's not a problem.
MR. SANGER: Your Honor, on Friday, from a selfish standpoint, could we limit the day to Mr. Geragos's testimony?
THE COURT: Yes.
MR. SANGER: So when we're through, then we could go, because I could still make part of it.
THE COURT: Right. We can set Friday just for Mr. Geragos's testimony.
MR. SANGER: Thank you.
THE COURT: How much more testimony -- how much longer do you think you're -- I know. The problem is if I give you a week, then it will -- to think of questions, then....
MR. GERAGOS: Exactly.
MR. ZONEN: You're asking me how many more minutes of cross-examination I have?
THE COURT: Estimate your time.
MR. ZONEN: Oh, gosh. A half hour at least.
THE COURT: Is that all? 10357

MR. ZONEN: Well, no.
(Laughter.)
THE COURT: Well, we have a serious problem to deal with, and I really don't have a -- I really am not -- all we can do is do some research.
MR. ZONEN: I'll try to accommodate the Court as best I can.
THE COURT: If I bring the jury in, I'm not going to bring them in just for a half hour of testimony on Friday, so we'll use the whole day. That would not be fair to the jury.
MR. SANGER: Whatever the Court decides.
THE COURT: I think that's what we've got to do.
MR. SANGER: If we quit early -- let me put it this way. If we quit early on Friday, it would be nice, but whatever the Court can do with that in mind.
THE COURT: All right.
MR. GERAGOS: May I be excused, with the promise that I will return at 8:30 on Friday the 20th?
THE COURT: You're ordered to return on Friday --
MR. GERAGOS: And I promise I'll be here.
THE COURT: -- by 8:30.
MR. GERAGOS: Thank you.
THE COURT: I want points and authorities 10358

from Mr. Mesereau, and I want points and authorities
from Mr. Sneddon.
Are you interested in --
MR. GERAGOS: Yes, I had hoped that you
would invite me to, but I was going to -- I'll try
to keep it short, but I'll point to what I think are
the applicable code sections that are appropriate
and the Rules of Professional Conduct.
THE COURT: The issue -- here's -- the issue
I want addressed is not what the ethical rules are.
We know that. What I want to address is what
happens in the middle of testimony when the party
who's asserted that they have given you a waiver on
the record, a waiver of the attorney-client
privilege, suddenly reveals in the writing that you
don't have a complete waiver. And what are the
remedies? What should I do?
MR. GERAGOS: My belief is that under the --
THE COURT: Well --
MR. GERAGOS: I won't give it to you now.
THE COURT: Don't shoot from the hip. I
can't believe that this ever happened to you before,
did it?
MR. GERAGOS: No.
THE COURT: Okay. Well, let's do some
research on it.
MR. GERAGOS: I just think it's similar to
the conflict situation. If it's not done by the 10359

client on the record, then that's the problem.
THE COURT: Well, that's not the -- the
client -- the attorney made the waiver. The client
is sitting there, you know. There's all sorts of
issues here that are different than that.
The question is what do we do now? So I
would like all of you to weigh in on the issue at
hand, which is what do we do now?
MR. GERAGOS: I'd be happy to. Thank you.
THE COURT: Now, will you fax your materials
to my office? Do you still have that number?
MR. GERAGOS: I do. I saved that on my Word
Perfect.
THE COURT: I'll authorize fax service on
Mr. Mesereau and Mr. Zonen, Mr. Sneddon. And I want
to have all of this by eight o'clock Monday morning.
MR. GERAGOS: That's fine.
THE COURT: And then would you call your
judge and tell him that I have accommodated him and
do understand the situation with him?
MR. GERAGOS: I will. Thank you very much,
Your Honor.
THE COURT: Anything else?
MR. SANGER: I'm still struggling with this
matter that I have on Friday. Assuming we're
through with Mr. Geragos by the 11:30 break, would
you be willing to call the jury in -- in other
words, we would have witnesses -- if he's done in a 10360

half an hour, we would have witnesses to take us to the 11:30 break. Would that be all right?
THE COURT: All right.
MR. SANGER: Okay.
THE COURT: Would you have -- I would like to have the jury commissioner immediately leave a message for all the jurors right now that the day off on the 20th has been cancelled. We're going to use it so that any plans they have they can change, and prevent them from making plans in anticipation. Anything else?
Okay.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10193 through 10361 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 13, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 13, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304